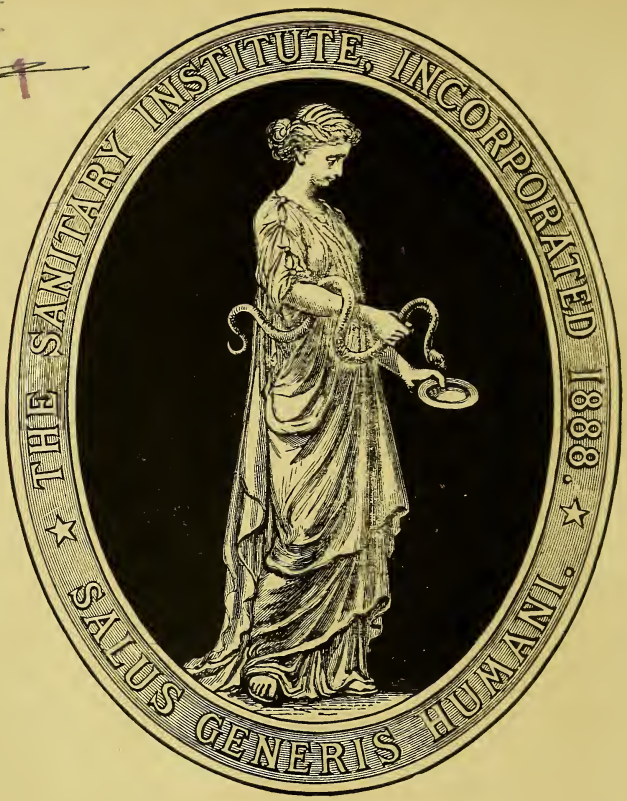

THE

LONDON HEALTH LAWS.

THE

LONDON HEALTH LAWS.

A MANUAL OF THE LAW
AFFECTING THE HOUSING AND SANITARY
CONDITION OF LONDONERS,

WITH SPECIAL REFERENCE TO

THE DWELLINGS OF THE POOR.

ISSUED BY THE

Mansion House Council
ON THE DWELLINGS OF THE POOR.

CASSELL AND COMPANY, LIMITED:
LONDON, PARIS & MELBOURNE.
1894.

PREFACE.

Since the publication of the first and second editions of this Manual, the long-deferred Consolidation and Simplification of the Sanitary Acts affecting London has been carried out by the efforts of the Right Hon. C. T. Ritchie, a member of this Committee; and a similar useful Work is in progress with reference to the Building Acts. The qualifications for voting and election for London Vestries and District Boards, and the mode of election to Vestries, have been altered by the Local Government Act, 1894. The result of the numerous changes in the law has been to necessitate the rewriting of a large part of the book, and to give it more of the character of a law book. This has been done for the Council by three of its members, Mr. Chance, Mr. Craies, and Mr. Hodge, to whom the thanks of the Council are due.

June, 1894.

NOTE.—*Before taking any action under the various powers referred to in these pages, the reader should consult the Appendix, where he will find the rules and limitations which are imposed upon persons setting the law in force against vestries and other similar bodies. The important qualifications governing the right to recover penalties from offenders against the statutes quoted should also be studied, and where any doubt arises as to the signification of terms used in the actual text of statutes, reference should be made to the table of definitions contained in the Appendix, p.* 109.

The Mansion House Council

ON

THE DWELLINGS OF THE POOR.

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PART I.

THE LAW AS TO PUBLIC HEALTH, BUILDINGS, AND WATER SUPPLY.

THE

LONDON HEALTH LAWS.

CHAPTER I.

THE ADMINISTRATION OF THE LAW.

BEFORE proceeding to inquire in detail what are the remedies which the law provides for the protection of the public health in London, it will be useful to show briefly by whom, and by what machinery, these remedies may be applied. The power of initiating, or altering legislation, or carrying it into effect, lies among a large variety of persons and organisations, beginning with a simple individual interested in the removal of nuisances, and ending in the High Court of Parliament.

The following is a list of the persons or organisations entitled to take part in enforcing the law :—

1. Private Individuals.
2. Charitable Bodies.
3. Companies.
4. The School Board.
5. Guardians of the Poor.
6. Churchwardens and Overseers.
7. The Metropolitan Police.
8. Local Sanitary Authorities.
9. The London County Council.
10. The Local Government Board.
11. The Charity Commission.
12. The Home Office.
13. The Imperial Parliament.

1. Private Individuals.—There are various methods by which individuals may qualify themselves for insisting on the enforcement of the law. The first step, no doubt, is to ascertain what things that are prejudicial to the public health can be coped with by the law, which it will be the object of this manual to explain. The next step, on being satisfied that the law is being contravened, is to complain either to the sanitary authority or to the County Council, or directly to the magistrates. Important examples of the statutory rights of individual interference will be found in the Public Health Act for London, referred to on p. 19, and in the Elementary Education Acts (*see* pp. 6, 32). The power of setting the law in motion is no longer limited to an inhabitant of the parish or place in which the subject of complaint exists [1]; nor to a person aggrieved thereby.

It must not be supposed that the cases given exhaust the occasions where individual interference can produce good results. They are referred to simply because they illustrate the opportunities which the law creates; but there are endless methods by which individuals can create opportunities of useful action for themselves. These will, for the most part, lie in the direction of looking out for, and calling attention to, the non-performance or ineffective performance of the duties imposed by law on the paid officers of local sanitary authorities.

For instance, the duties of *Inspectors of Nuisances*, referred to at p. 22, can be rendered much easier, the officers themselves can be encouraged, or, if need be, stimulated by the action of friendly but persistent observers. It is necessary to study the extensive powers conferred upon the vestries in order to put effectual pressure upon those bodies; and it should not be forgotten that those sweeping powers are entrusted to them as the servants of the community by whom they are elected, and that it is the right and the duty of individual members of that community to see that their servants give a good account of their stewardship.

[1] Public Health Act, 1891, sections 3 and 12 (1). Education Act, 1876, section 7.

2. Charitable Bodies.—To attempt to define exhaustively the bounds within which voluntary charitable associations can usefully avail themselves of the opportunities conferred by the law would be impossible within the limits of this manual. In the main, the work of such societies in the direction named must be an extension of that already alluded to as falling within the scope of individual effort. There are many occasions upon which a society can take advantage of its impersonal character, of the influence of its members, or the extent of its organisation to interfere where individuals would have small hope of success. Such a society, for instance, is the Mansion House Council on the Dwellings of the Poor.

Those who have to move daily about the poorer parts of London, whether as district visitors, or in connection with particular charities, or with the organisation of charity, have special opportunities of observing the sanitary defects of the districts which they visit, and of ameliorating their condition, both by complaint in the proper quarters and by inculcation of the sanitary rules and methods, observance of which is necessary to supplement what is done by the owners of the houses visited, or by the local sanitary authority.

3. Companies.—The action of companies formed for the purpose of building upon land acquired by Act of Parliament, or purchased subject to statutory provisions as to its treatment and control, is very important, and must be taken into account among the agencies directly affecting the housing of the metropolitan population. The character and objects of these companies vary greatly. Sometimes, as in the case of the railway companies, the erection and regulation of dwellings is only a subsidiary process unconnected with the general undertaking. In others—as, for instance, in the case of the Peabody Trustees and the Guinness Trust—the commercial side of the undertaking is lost sight of, and the persons directing the expenditure are practically the administrators of a public trust. Intermediate between these two extremes there are various forms in which the money of individuals or companies is invested in the building of dwellings for the

poorer classes (*see* p. 91). For the most part, the influence of individuals upon large building schemes is confined to those who occupy the position of managers, directors, or promoters.

Some of the chief points with regard to which the law regulates such enterprises, and provides for the due observance of the conditions necessary for the preservation of health, will be found under the head of Building Regulations at p. 54.

The action of such companies, to be beneficial to public health, must go beyond merely observing the minimum required by the building regulations which any well-regulated district surveyor will give them no chance of evading. It is desirable that both in planning and construction, and, above all, in drainage and the admission of light and air, such buildings should be such as to improve upon the existing regulations; and further that such rules for management should be devised and wisely enforced as will, without semblance of tyranny or inquisition, civilise the less educated inhabitants up to the level of modern sanitary requirements.

4. The School Board.—The action of the London School Board, though not directly affecting the dwellings of the poor, is nevertheless so important in its bearings upon the welfare of their inmates that it is impossible wholly to pass it over.

Not only are the statutory powers of the Board exceedingly strong, but they are capable of being put into force by any person who takes an interest in their application. On p. 32 a paragraph has been devoted to the extent of the compulsory powers of the Board, and it will be seen from the illustrations there given that there is a most intimate connection between the due exercise of the authority possessed by its officers and some of the most pressing evils which have attracted attention of late in the direction of overcrowding.

5. Guardians of the Poor.—Guardians of the Poor in London have for many years had the power of proceeding to get cleansing orders,[1] where they are necessary, and this power is unaffected by the Public Health Act

[1] Statutes of 1839, c. 71, section 41.

of 1891. Moreover, that Act, in accordance with a suggestion emanating from the Mansion House Council, has also empowered guardians to make regulations directing relieving officers to inform the sanitary authority at once of any nuisance which can be summarily dealt with under the Public Health Act. [1] The guardians should, in every district, be pressed to make and enforce such regulations, and not to confine their efforts to cases of actual disease; for relieving officers have even better chances than sanitary inspectors of ascertaining how far ill-health is caused by insanitary conditions.

The Metropolitan Asylums Board, as the chief London hospital authority for dealing with infectious diseases, have exceptional opportunities of warning sanitary authorities of the existence of diseases due to insanitary conditions.[2]

6. Churchwardens and Overseers.—Under the Metropolitan Police Courts Act, 1839, section 41, churchwardens and overseers have the same powers with respect to obtaining cleansing orders as the guardians. But since the passing of the Metropolis Management Act, 1855, the enactment is used by the churchwardens and overseers, if at all, as representing the sanitary authority and not the guardians.

7. The Metropolitan Police.—The Metropolitan Police are not in any way under the control of any local sanitary authority in London nor of the County Council; and, speaking generally, their duties, under the Police Acts, do not extend to the abatement of nuisances, unless they occur in the streets. As to most other nuisances, unless the police receive special directions from the Commissioners, they are simply in the position of private individuals. They have, however, special powers as to common lodging-houses, as to which *see* p. 31.

8. Local Authorities.—A list of the various local authorities for the Metropolis will be found at p. 114, with the address of the central office in each case. In

[1] Statutes of 1891, c. 76, section 3.
[2] 1891, c. 76, sections 55, 67, 79, 80, 81, 85, 86, 87, 104.

view of the important powers exercised by these bodies, and of the advantage which may accrue from their members being recruited from a larger field than hitherto, a short note explaining the qualifications and method of election of vestrymen is there added.

The duties and powers of the local authority are very extensive, and will frequently be referred to in these pages. There can be no doubt that many of the most important duties imposed upon the vestries have not hitherto been adequately performed, and this is particularly the case with regard to what may be called their regulating powers. Too often they act as if what is imposed on them as an absolute duty was left to their unfettered and not too active discretion. Examples of the many occasions on which the local authority is charged with the duty of supervision and interference will be found hereafter under the heading of the Public Health Act (*see* chap. ii., p. 18).

It will be noticed that, for the most part, the law enjoining interference is peremptory, and that in the inspectors of nuisances, whom the local authorities are entitled to appoint in any numbers they think fit, officers are provided whose declared duty it is to bring to the notice of their employers the departures from the law with which those employers are empowered to deal.

It is not necessary to inquire into the question as to why this duty is in many cases not performed or inadequately performed; but the slightest acquaintance with the actual condition of many crowded localities is sufficient to prove the fact that there is frequently either negligence or inability to give full effect to the law.

It is possible to stimulate the activity of the local authorities in various ways. In many cases friendly representations made to the officials may suffice. In other cases it will be well to take the initiative conferred by the law, and for individuals to prefer complaints in person to the vestry acting as a regularly constituted authority bound to take action upon due representations being made.[1] Perhaps the most effective method of all by which individuals interested in the due enforcement of

[1] *See* cases under the Public Health Act, 1891, p. 26.

the law can secure adequate action on the part of the authorities is by such persons themselves seeking election as vestrymen or members of district boards. Hitherto the election of vestrymen has either excited little public interest, or been made to turn on current politics, and the persons elected, not being subject to any very severe criticism, or strengthened by the power of public opinion, have in many cases failed to exhibit the energy, interest, and knowledge which the serious nature of the work entrusted to them imperatively demands. In a word, therefore, if you wish to see the vestry do its work, become a vestryman, and influence its action. (As to the election of vestrymen, *see* p. 119.)

9. The London County Council.—The London County Council, subject to the Local Government Board, is the supreme authority for London in matters of sanitation. It was created by the Local Government Act of 1888,[1] which abolished the Metropolitan Board of Works; and by virtue of subsequent enactments is now in effect the governing body of London (without the City) for sanitary purposes.

It consists of 137 members, 19 of whom are aldermen, selected by the elected members of the Council either from among their own number or from without. The franchise[2] is that of the Municipal Corporations Act, 1882,[3] supplemented by the £10 occupation qualification.[4] It practically coincides with the *occupation* qualifications for the Parliamentary franchise, except that properly qualified *women*[5] and peers may vote in County Council elections.

The persons qualified for service on the County Council are—

(1) Registered county electors[6] (subject to their not ceasing to reside in the county for six months);

[1] 51 & 52 Vict., c. 41.
[2] 51 Vict., c. 10, section 2 (2).
[3] 45 & 46 Vict., c. 50, sections 9, 31, 33, and 63.
[4] 51 Vict., c. 10, section 3.
[5] 45 & 46 Vict., c. 50, section 63.
[6] 45 & 46 Vict., c. 50, section 11 (2, 3, 4).

(2) Parliamentary voters[1] registered in respect of ownership of property situated within the county; and

(3) Peers[1] owning property within the county.

Ministers of religion[2] may serve on the Council, but women[3] may not.

The electoral areas for County Council purposes coincide with the Parliamentary divisions of the Metropolis, every division returning two County Councillors for one Member of Parliament.[4]

The area under the government of the County Council comprises the parishes and places set out in the schedules to the Metropolis Management Act, 1855,[5] as subsequently amended.[6]

The sanitary functions of the London County Council fall under two heads (I.) Supervisory; (II.) Initiatory.

(I) Supervisory Powers.—The jurisdiction inherited from the Metropolitan Board of Works, or conferred by subsequent enactments, such as the Public Health Act (London) 1891, or the Housing of the Working Classes Act of 1890, has rendered the County Council the supreme sanitary authority[7] for London. It occupies this position partly by its administrative powers, dealing with London as a whole, partly by its authority to replace defaulting local authorities, partly by its direct appellate jurisdiction; but the City of London does not come under the County Council in its supervisory capacity.[8]

(*a*) *Appellate Jurisdiction.*[9]—The County Council may

[1] 51 & 52 Vict., c. 41, 2 (b).
[2] 51 & 52 Vict., c. 41, section 2 (a).
[3] Beresford-Hope *v.* Sandhurst—L. R. 23 Q. B. D., p. 79.
[4] 51 & 52 Vict., c. 41, section 40 (4).
[5] 18 & 19 Vict., c. 120. For a list of these parishes, *see* Appendix, p. 114.
[6] 51 & 52 Vict., c. 41, sections 40 (3) and 100.
[7] Technically, it is not a "sanitary authority," except for certain purposes.
[8] 54 & 55 Vict., c. 76, section 133.
[9] 54 & 55 Vict., c. 76, section 126.

hear appeals against notices or orders of a vestry or district board, by any person aggrieved thereby, subject to the conditions laid down in the Metropolis Management Act, 1855.[1] The appeal must be brought within seven days after notice of the order or after the act itself; and is referred to a committee of the Council appointed expressly for the purpose, with full powers both to determine the merits and award costs.

Appeals particularly relating to public health are the following:—

(1) Against an order of a sanitary authority, requiring the owner or occupier to provide a house with a water-closet or ash-pit.[2]

(2) Against an order of a sanitary authority under the County Council's bye-laws, in respect to the rebuilding, alteration, demolition, or condition of a water-closet, earth-closet, privy ash-pit, or cesspool, the discontinuance of water supply, the condition of a sink, trap, syphon, pipe, or connected apparatus.[3]

(3) Against an order of a sanitary authority, requiring the owner or occupier to fill up, drain, cleanse, or cover pools, drains, or other places used for the collection of matter offensive or injurious to health.[4]

In all these cases the decision of the County Council is final.

(*b*) *Action in Default of Sanitary Authority.*—The County Council, on its being proved to their satisfaction, that any sanitary authority has made default in the execution of any duty imposed on it by the Public Health Act for London, may step in and in every respect take the place of such authority,[5] recovering the expenses[6] of such action from the latter.

A similar power, though slightly different in its method of exercise, is conferred on the County Council in respect

[1] 18 and 19 Vict., c. 120, sections 211 and 212.
[2] 54 & 55 Vict., c. 76, section 37.
[3] 54 & 55 Vict., c. 76, section 41.
[4] 54 & 54 Vict., c. 76, section 43.
[5] 54 & 55 Vict., c. 76, section 100.
[6] 54 & 55 Vict., c. 76, sections 100 and 117.

of defaults of a vestry or district board with regard to the proceedings for a closing order, or to the demolition of obstructive buildings under Part II. of the Housing of the Working Classes Act, 1890. Expenses, as in the former case, are recoverable from the defaulting authority.[1]

It will be noticed that in both these cases the determination of the question whether the local authority has or has not made default rests with the County Council. These are two most useful provisions, and may greatly facilitate the enforcement of these Acts.

The County Council has no power to deal with the Commissioners of Sewers.[2]

In addition to those above enumerated, the County Council has other supervisory powers. Such are the following:—

(1) Notice of complaint under Part II. of the Housing of the Working Classes Act, 1890, must be sent by the sanitary authority to the County Council,[3] as also copies of the reports of medical officers of health.[4]

(2) The County Council has authority to supervise a vestry's scheme of local sewerage under the Main Drainage Acts, 1858-1886.

(3) Under the Public Health Act for London the County Council may move the Local Government Board (*a*) to compel a sanitary authority to increase its staff of inspectors[5]; (*b*) to compel a sanitary authority to comply with the provisions of the Act *within specified time*;[6] (*c*) to promote an inquiry into the sanitary condition of a locality.[7]

(4) Sanitary authorities cannot combine to provide a mortuary without the County Council's consent;[8] while the County Council can compel a sanitary authority (except

[1] 53 & 54 Vict., c. 70, section 45 (2), *infra* p. 89.
[2] 54 & 55 Vict., c. 76, section 133.
[3] 53 & 54 Vict., c. 70, section 45 (1).
[4] 51 & 52 Vict., c. 41, section 19 (2).
[5] 54 & 55 Vict., c. 76, section 107 (2).
[6] Section 101.
[7] Section 129.
[8] 54 & 55 Vict., c. 76, section 91.

the Commissioners of Sewers) to provide a place for the holding of post-mortem examinations.[1]

(5) Fines recovered from a sanitary authority, under the Public Health Act for London, are to be paid to the County Council.[2]

II. Initiatory Powers.—The initiatory powers of the London County Council in sanitary matters are either (*a*) new or (*b*) inherited from other authorities.

(*a*) *The New Powers.*—These are powers conferred by the Act creating the County Council or by subsequent enactments. While the additional supervisory authority reposed in the County Council in respect of sanitation is very large, very little has been bestowed on it in the way of new initiatory power; in fact, it hardly extends beyond the power of appointing its own medical officers of health and of making bye-laws.

The Council may appoint medical officers to any number for its own purposes.[3]

In the case of all medical officers appointed by any sanitary authority (including the Commissioners of Sewers) in London after the passing of the Local Government Act in 1888, the County Council is required to pay one-half of such officer's salary, provided he be duly qualified for the post[4] (for qualifications *see* p. 22). This gives the County Council a certain amount of control of local medical officers of health.

The County Council is required by the Public Health Act for London to make bye-laws as to—

(1) The removal and carriage of noxious and offensive matter.[5]

(2) The provision and construction of water-closets, ash-pits, cesspools, etc.[6]

They may make bye-laws as to offensive trades.[7] The

[1] 54 & 55 Vict., c. 76, sections 90 and 133.
[2] 54 & 55 Vict., c. 76, section 119.
[3] 51 & 52 Vict., c. 41, section 17 (1).
[4] 51 & 52 Vict., c. 41, sections 18, 19, 21 (2 c.) and 88 (c.).
[5] 54 & 55 Vict., c. 76, section 16 (2), *vide infra*, p. 136.
[6] Section 39, *vide infra*, p. 140.
[7] Section 19 (4). *Vide infra*, pp. 136, 138.

Local Government Act, 1888,[1] gives County Councils powers to make bye-laws for the good rule and government of their county to the same extent as is possessed by municipal corporations under the Municipal Corporations Act, 1888; but neither of the Acts referred to in the section applies to London, and, having regard to the special conditions of the Metropolitan area, it is doubtful whether section 23 is applicable by law, or could be applied in fact, to that area.

The bye-laws of the County Council are subject to the regulations of the Public Health Act, 1875, and require confirmation by the Local Government Board. Unless otherwise stated, they are in force throughout the county of London,[2] with the exception of the City.[3]

(*b*) *The Inherited Powers.*—By the Local Government Act of 1888, the London County Council [4] inherits all the powers of the Metropolitan Board of Works. Those relating to sanitation may be summarised as follows:—

Drainage.—The care of the main sewers of London.[5]

Buildings.—The regulation of buildings in the Metropolis, as to enlargements, altitude, etc., on the report of district surveyor appointed by the County Council. The Council is the authority for the enforcement of the Building Acts generally.[6]

Dangerous Structures.—The regulation of structures, as to their safe or dangerous condition; the Council acts on report of district surveyor, instructed by the architect to the Council.[7] This does not apply to the City.

Dilapidations.—The Council may complain to a magistrate where a house is so dilapidated as to be unfit for use or occupation, and the magistrate may make an order for repair or demolition.[8] This provision is seldom made use of.

1 51 & 52 Vict., c. 41, section 16.
2 54 & 55 Vict., c. 76, section 114; 38 & 39 Vict., c. 55, sections 182-186.
3 54 & 55 Vict., c. 76, section 133.
4 Section 40 (8).
5 Metropolis Management Acts, 1855-1887.
6 Building Acts, 1855-1882.
7 18 & 19 Vict., c. 122; 32 & 33 Vict., c. 82.
8 45 Vict., c. 14, sections 17 and 18.

Dwellings of the Working Classes.—The Council is the authority for the enforcement of Parts I. and III. of the Housing of the Working Classes Act, 1890, dealing with improvement areas,[1] and the provision, maintenance, and regulation of lodging-houses,[2] respectively.

The Council may also act under Part II., promoting an improvement scheme on the smaller scale provided for in that portion of the Act.[3]

Offensive Trades.—The County Council is the licensing authority in respect of offensive trades, which, so far as not defined by Act of Parliament, they are to define.[4] Also for slaughter-houses and cow-sheds,[5] exclusive of those erected under the Metropolitan Market Acts, 1851-1857.

The powers enumerated under the last two headings, although set out in Acts passed since the extinction of the Board of Works, were inherited from the latter, the provisions of these Acts being merely re-enactments of clauses repealed.

The Contagious Diseases (Animals) Acts, 1878-1886 are administered by the County Council; but not within the City, nor in respect of foreign cattle.

Water.—The County Council have power to require a Metropolitan Water Company to put on a constant supply of water.[6]

Highways.—The control of the main roads of London has been transferred to the County Council from various highway authorities[7] (Commissioners of Sewers, vestries, and district boards). The Council's control does not necessarily involve more than *responsibility* for the proper maintenance of these roads.

This power does not directly affect sanitation; but where the duties of the highway authority are neglected, water tends to collect in pools and become stagnant, and so injurious to health.

[1] 53 & 54 Vict., c. 70, sections 4 and 92.
[2] Sections 56, 57, and 92.
[3] Section 46 (5).
[4] 54 & 55 Vict., c. 76, section 19. *Supra*, p. 13.
[5] 54 & 55 Vict., c. 76, section 20.
[6] 34 & 35 Vict., c. 113, sections 7 and 8. *Infra.*, p. 57.
[7] 51 & 52 Vict., c. 41, section 11. The Thames Embankments were taken from the Metropolitan Board of Works.

10. The Local Government Board.—The Local Government Board, while its sphere of direct administration is very limited, is supreme supervisory authority in the kingdom in sanitary matters; and, although in London it has fewer functions in the latter capacity than in the rest of the country, it still has an important place in the sanitary system. All bye-laws, whether of the London County Council or of the Vestries or District Boards, require confirmation by the Local Government Board, to whom aggrieved parties may bring objections.[1]

The Local Government Board may institute inquiries into the sanitary condition of a district,[2] and may, on the representation of the County Council, supersede a local sanitary authority.

One peculiar function of the Local Government Board in London is its appellate jurisdiction in respect of the City Commissioners of Sewers, to whom it stands in a similar relation to that in which the London County Council stands to the Vestries and District Boards.[3]

Other powers of the Local Government Board will be found treated incidentally to the functions of other bodies in different parts of this manual.

11. The Charity Commission.—This body has powers to promulgate schemes with regard to trusts and charities which may indirectly affect the public health of London. For instance, a few years since, a scheme was promulgated which sanctioned building over the Bethnal Green Poor's Lands, situate in the heart of a greatly overcrowded district. The scheme was strongly opposed by the Mansion House Council and by the inhabitants of the parish, with the result that the clauses empowering the building were withdrawn by the Commission.

12. The Home Office.—The confirmation of the Home Secretary is required in the case of an improvement scheme under Part I. of the Housing of the Working Classes Act, 1890.[4] Until the passing of the Act of 1891,

[1] 54 and 55 Vict., c. 76, section 114.
[2] Sections 129 and 101.
[3] Section 135.
[4] 53 and 54 Vict., c. 70, section 8.

the local inquiries as to the sanitary condition of a district in the Metropolis were held under the authority of the Home Secretary, on the recommendation of the Local Government Board, who had at that time no independent powers of investigation in London. But having regard to the authority given to the Local Government Board by the Act of 1891 [1] (*vide supra*, p. 16), the powers of the Home Secretary would seem, if not abrogated, at least to be in abeyance. But in the event of any default by the County Council in the exercise of its powers of supervision and complaint, the Home Secretary could still exercise his power of issuing a Commission of Inquiry.

For cases in London under the Factory and Workshops Acts the Home Secretary is the authority, except as to those bakehouses which are within section 26 of the Public Health (London) Act, 1891.

13. The Imperial Parliament.—The theoretical or practical limits to the powers and action of Parliament need not be discussed. Members of either House can, however, improve the sanitary laws by introducing or supporting bills to remove defects, in substance or detail, in the existing law; and both they and private persons can serve the interests of public health in London by careful scrutiny of all local or private bills which seek powers to take land within the Metropolis, (1) or to build on open spaces, or destroy houses used for the dwellings of the poor, (2) and by getting them amended so as to ensure adequate provision for the rehousing elsewhere of persons displaced by such improvements, and to prevent the closing of what have been termed the lungs of London.

An instance of what can be done is that the Mansion House Council obtained the insertion of "person" instead of "inhabitant" in the Act of 1891, so as to get over the inertia which in backward districts of London prevented the very necessary enforcement of the sanitary law.

[1] 54 and 55 Vict., c. 76, section 101

CHAPTER II.

THE PUBLIC HEALTH ACT FOR LONDON.

THE multifarious and confusing enactments heretofore in force and compendiously described as the Sanitary Acts, have to a great extent been superseded by a single Act, the Public Health (London) Act, 1891, to which Londoners can now refer with tolerable certainty as containing an almost complete code of the regulations affecting their health. The Act is directed towards the abatement and removal of nuisances, including unhealthy houses, bad drains and defective drainage arrangements, accumulations of filth, overcrowded houses, overcrowded and unhealthy workshops, excessive smoke from factory chimneys, and towards the prevention of epidemic and infectious diseases, and the regulation of offensive or noxious trades.

The enforcement of the Act is entrusted by law, in the first place, to medical officers of health and sanitary inspectors, paid and employed by, and acting under, the local sanitary authority, *i.e.*, the vestry and district board, or in the City, the Commissioners of Sewers; but individuals can also set the law in motion, and the Act provides means for enabling and compelling the local sanitary authority effectually to carry out the duties imposed on it.

Very stringent regulations are also included in this Act and in the Lodging House Acts,[1] with reference to tenement houses[2] and common lodging-houses; and important powers are given to the police with respect to regulations affecting the latter.[3]

The intention of Parliament with regard to these Acts is shown by section 1 of the Public Health (London) Act, 1891, which enacts that "It shall be the duty of every sanitary authority *to cause to be made from time to time inspection*

[1] 14 & 15 Vict., c. 28; 16 & 17 Vict., c. 41; 29 & 30 Vict., c. 90, section 41.

[2] *Infra* p. 36.

[3] *Infra*, p. 31.

of their district with a view to ascertaining what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act for the purpose of abating the same, and otherwise to put in force the powers vested in them relating to public health and local government *so as to secure the proper sanitary condition of all premises within their district.*"

The limits of legal interference, the persons entitled to intervene, and the proper mode of proceeding, will be found in the following chapter.

First we have to consider

What is a Nuisance?

The following are nuisances which may be abated summarily under the Health Act of 1891.

1. Any premises, including any buildings or lands, whether open or enclosed, whether built on or not, and whether public or private, which are in such a state as to be a nuisance, or injurious or dangerous to health.[1]

2. Any pool, ditch, gutter, water-course, *cistern*,[2] *water-closet, earth-closet*,[3] privy, urinal, cess-pool, drain, *dung-pit*, or ash-pit, so foul or in such a state as to be a nuisance, or injurious or dangerous to health.

3. Any animal kept in such place or manner as to be a nuisance, or injurious or dangerous to health.

4. Any accumulation or deposit which is a nuisance, or injurious or dangerous to health. But it must be noted that an accumulation or deposit which is necessary for the effectual carrying on of a business or manufacture, is not punishable as a nuisance under the Act unless the magistrate is satisfied that it has been kept longer than is necessary for the purpose of the business or manufacture, and that the best available means have not been taken for preventing injury therefrom to the public health.

[1] 54 & 55 Vict., c. 76, sections 2, 141.
[2] *See* section 50 Public Health Act, 1891.
[3] New in 1891.

5. Any house or part of a house so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family. Where the medical officer of health certifies to this effect, the sanitary authority *must* take proceedings to stop the nuisance.[1]

6. The absence from any premises of the water fittings prescribed by the Water Act, 1891, in the event of a constant supply.[2] This absence of fittings is to be deemed to render the premises unfit for human habitation until the contrary is shown to the satisfaction of a magistrate.[3]

7. An occupied house without a proper and sufficient supply of water.[4]

8. [5] Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factories and Workshops Acts, 1878 and 1891,[6] as to cleanliness, ventilation, and overcrowding, and has any of the follow ing defects:—

(*a*) Is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth-closet, water-closet, or other nuisance; or

(*b*) is not ventilated in such a manner as to render harmless, *as far as practicable*, any gases, vapours, dust, or other impurities, generated in the course of the work carried on that are a nuisance, or injurious or dangerous to the health; or

(*c*) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein.

In considering whether a dwelling-house, or part of a dwelling-house, which is used also as a factory, work-

[1] Section 4 (3 *c*).
[2] 54 & 55 Vict., c. 76, section 2 (1 *f*); 34 & 35 Vict., c. 113, section 33.
[3] Section 4 (3 *d*).
[4] 54 and 55 Vict., c. 76, section 48 (1).
[5] 54 & 55 Vict., c. 76, section 2 (1 *g*).
[6] Sections of the Act of 1878, c. 16; and sections 1-5 of the Act of 1891, c, 75.

shop, or workplace, or whether a factory, workshop, or workplace, used also as a dwelling-place, is a nuisance by reason of overcrowding, the magistrate must have regard to the circumstance of such other user. This would appear to indicate that, to ascertain whether such a place is overcrowded, the persons dwelling and working on the premises are to be added together, and not considered separately.

9. Any tent, van, shed, or similar structure used for human habitation, which is in such a state as to be a nuisance, or injurious or dangerous to health, or is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family.[1]

10. Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein,[2] and any chimney (not being the chimney of a private dwelling-house) which sends forth black smoke in such a quantity as to be a nuisance.[3]

Where a house, or part of a house, is in such a filthy and unwholesome condition that the health of the inmates or of the public is thereby affected or endangered, the churchwardens and overseers of the parish, acting concurrently with the medical officer, may certify this in writing to a magistrate, who, upon the certificate, after notice to the occupier of the house, may make a cleansing order directing the premises to be cleansed within a week at the expense of the occupiers;[4] and this provision seems to be unaffected by the Public Health Act, 1891.

The word "dangerous" was inserted in the Act of 1891 in order to dispose of a doubt felt by some local authorities whether any proceedings could be taken unless an actual nuisance or injury to health had been caused. The Local Government Board had before that date considered the question, and had in a letter to the Mansion House Council given the following expression of opinion :—"With regard

[1] Public Health Act, 1891, section 95 (1).
[2] 54 and 55 Vict., c. 76, section 24 (*a*).
[3] Section 24 (*b*).
[4] Metropolitan Police Courts Act, 1839 (2 and 3 Vict., c. 71, section 41.)

to your inquiry whether an injury to health must have occurred before a house can be considered a nuisance or injurious to health, the Board may state generally that, from the decisions, it would seem to follow that a nuisance may, under certain circumstances, be the subject of proceedings by a local authority even though it be not actually injurious to health. It has been held by high judicial authorities that defects likely to produce a nuisance to health, or likely to produce injury to health, come within the category." The new Act seems to give salutary effect to this opinion of the Board.

How to get rid of a Nuisance.

Duty of Local Authority.

Having satisfied ourselves as to what amounts to a nuisance, we come to the question how to get rid of it, who are the people responsible for enforcing the law, who are liable for creating or continuing the nuisances, what proceedings can be taken against them, to what penalties they are subject.

By section 1 of the Act of 1891 the local sanitary authority must cause to be made from time to time an inspection of their district with a view to ascertaining the existence of nuisances calling for abatement under the Act, and in particular to ascertain whether any dwelling-house in the district is in a state so dangerous or injurious to health as to be unfit for human habitation;[1] and it is their duty to enforce the provisions of the Housing of the Working Classes Act, 1890, and of the Public Health (London) Act, 1891.

In the first place, there are authorities provided by law both to discover and report upon the existence of nuisances and to act upon the reports when made. By section 107 of the Act of 1891,[2] it is the duty of each sanitary authority to appoint an adequate number of sanitary inspectors, men qualified and competent by their knowledge and experience to discharge the duties of their office. The

[1] *See* Section 32 (1) of the Housing of the Working Classes Act, 1890.

[2] 54 & 55 Vict. c. 76

business of a sanitary inspector is to discover and report to the sanitary authority the existence of any nuisance. These reports must be entered in a book, which is open to the inspection of any ratepayer who chooses to test the activity of his parish officials. To enable him to discover nuisances, an inspector has the right,[1] subject to certain conditions,[2] to enter any premises in the sanitary district to examine as to the existence of any of the nuisances already mentioned. The times at which he can enter are as follows:—(a) in ordinary cases, at any hour in the day;[3] (b) in the case of nuisances arising in respect of a business, at any hour when it is carried on;[4] (c) in the case of overcrowding, at any hour of the night or day on a warrant from a magistrate.[5]

He is entitled to inspect the premises and examine the drains and water-supply and connected apparatus, and to have them opened up for his inspection.[6]

Relieving officers, though not in the employ of the sanitary authority, have also a duty, subject to the regulations of the Board of Guardians by whom they are employed, to report to the sanitary authority any nuisances discovered by them in the course of their ordinary duties;[7] but they have not the same powers of entry or inspection as the sanitary inspectors.

The first step taken by a local authority when satisfied that one of the nuisances enumerated above (pp. 19, 20) exists is to serve a notice (which the vestry officials call a request notice) on the person by whose act or default it arises; or, if he cannot be found, on the owner or occupier of the premises on which it exists. The notice specifies the nuisance, and requires its abatement within a time specified in the notice, and may also, *if the sanitary authority chooses*, specify the works, etc., to be done to abate it, and to prevent its recurrence; and a second notice, with a view to prevent recurrence of a nuisance, may be given even after it has been abated.

It is perhaps desirable to explain what is meant by the "owner" of the premises, as these words have a somewhat

[1] Sections 10 (a), 115 (1).
[2] Section 115 (2).
[3] Section 10 (*a*).
[4] Section 115.
[5] Section 115 (*b*).
[6] Section 40.
[7] Section 3.

varying significance in different statutes. In the Public Health Act, 1891, it does not mean the ground landlord, but the person who receives the rack-rent of the premises, or who would receive it if the premises were let at a rack-rent;[1] and it includes agents and trustees, and mortgagees in certain cases. But in Part II. of the Housing of the Working Classes Act, 1890, which relates to unhealthy dwellings, the term "owner" includes ground landlords, and excludes lessees who have less than twenty-one years of their term unexpired.[2] Consequently, a closing order under that Act can be made on the landlord, and the Ecclesiastical Commissioners for England, on the 10th November, 1893, had such an order made against them in respect of property in Westminster let by them on lease.

In cases where the nuisance arises from a want or defect of a structural character—such as the roofing or the drainage system—or where the premises are unoccupied, the owner is the proper person upon whom to serve the notice to abate the nuisance.[3] In other cases it is optional with the local authority to serve it either on the owner or on the occupier; but, as a matter of practice, in the case of common lodging-houses or of property occupied by weekly tenants, the agent or landlord is the person usually proceeded against.

When an order to abate a nuisance, or to prevent its recurrence, has been made by the sanitary authority, it is the duty of the sanitary inspector, and he has power, to reinspect the premises and see whether the notice has been effectual;[4] and, if it has not been complied with, he must report the fact to the sanitary authority.

For disobedience to a sanitary notice the offender is liable to a fine not exceeding £10,[5] and he is also liable to a like penalty if the nuisance to which it relates arose from his wilful act or default.

Where the notice has not had the effect of getting rid of the nuisance, or where it was of such a character as to merit the attention of a magistrate, the sanitary authority

[1] Section 141.
[2] Section 29.
[3] 54 & 55 Vict., c. 76, sect on 4, (3 *a*).
[4] Sections 10 (*b*) and 115.
[5] Section 4 (*b*).

—*i.e.*, the vestry or district board—have further powers and duties in order to meet this emergency.

They must make a complaint to a petty sessional court,[1] which will issue a summons requiring the defaulter —*i.e.*, the person who received the notice or caused the nuisance—to appear and answer the charge. If it is proved, the Court, in addition to fining the offender for not complying with the notice, may make a nuisance order,[2] which may be

(*a*) what is now called an abatement order, directing the abatement of the nuisance; or,

(*b*) a prohibition order, forbidding its recurrence; or,

(*c*) a combination order, to abate the nuisance and prevent its recurrence; or

(*d*) a closing order, where premises are unfit for human habitation;[3] or, upon a second conviction for overcrowding, or occupying underground rooms, within three months of the first conviction.[4]

An order of the last kind may be cancelled when the Court is satisfied that the premises have been rendered again fit for human habitation.

Disobedience to a nuisance order is punishable by a fine up to twenty shillings a day, unless the person on whom the order is made can show that he used all due diligence to comply with the order; and any person who deliberately disregards a prohibition order, or closing order, may be fined up to forty shillings a day so long as his disobedience lasts; and, in the event of disobedience to the magistrate's nuisance order, the sanitary authority and their inspectors may enter the premises and do all that is needed for the execution of the order.[5]

[1] Section 5 (1 *a*). Till recently, in some districts of London, justices of the peace heard sanitary cases; but at present, except in Hampstead, only police magistrates are exercising this jurisdiction, owing to a legal difficulty which arose. This difficulty has now been surmounted by a decision of the High Court, on January 22nd, 1894, that the unpaid justices have jurisdiction, notwithstanding the appointment of police magistrates.

[2] Section 5 (2-7).

[3] This is practically the same as that under section 32 of the Housing of the Working Classes Act, 1890. *Vide infra*, p. 80.

[4] Section 7 (98).

[5] Section 5 (9).

When it is impossible to find out who is the defaulter, or owner, or occupier, the magistrate may direct any necessary order to the sanitary authority itself.[1]

The reasonable costs and expenses incurred by the sanitary authority in serving sanitary notices, making a complaint, getting a nuisance order and in carrying it into effect, are recoverable by the sanitary authority from the person on whom the order is made.

When the expenses are recoverable from the owner, and he does not pay, the sanitary authority may get the amount from the occupier (he deducting it from the rent), as long as it does not exceed the amount of rent due.[2]

When an order is made on the sanitary authority,[3] or the nuisance is abated between the notice and the intervention of the court, the person who is responsible for the nuisance is liable for the expense to which the sanitary authority is put.

Where the nuisance is caused by the act or default of the owner,[4] the owner *for the time being* is liable, even if the nuisance is one for which his predecessor was originally responsible.[5]

To summarise the effect of these sections, they provide in substance that where the owner or occupier fails to abate a nuisance, the sanitary authority has power in the public interest to take all steps, and execute all the works, necessary for its abatement; and the expense incurred by them can be charged upon the owner or occupier of the premises on which the nuisance exists. Many of the sanitary authorities do not sufficiently take advantage of the power, and nuisances which ought to be abated summarily are consequently allowed to continue for months.

Power of an Individual to Interfere.

It will be observed that, so far, we have spoken only of the power of authorised officials to carry into effect the provisions for the removal and abatement of nuisances.

[1] Section 8.
[2] Act of 1891, section 121.
[3] Under section 8.
[4] *Supra*, pp. 23, 24.
[5] Section 11.

It is well known, however, that it is by no means enough merely to give powers to the local authorities; it is also necessary to see that they use them. It is satisfactory, therefore, that the right to put the law into operation is specially conferred on private individuals. Section 3 of the Act of 1891 begins as follows:—"Information of a nuisance liable to be dealt with summarily under the Act in the district of any sanitary authority may be given to that authority *by any person*."[1] The former restrictions on the right of private persons to move for the abatement of nuisances to the public health have now all been removed. It is no longer necessary that the person should himself be aggrieved, nor need he be a ratepayer or resident in the district. The benefit of this provision, inserted at the instance of ihe Mansion House Council, is to enable action to be taken in districts where people are too poor, too busy, or too inert, to stir up the local authority. In the better-managed districts the practice before 1891 was in accordance with the present law, to listen to all reasonable complaints by whomsoever made.

But the right of the individual is not confined to complaint to a sanitary authority.[2]

Any person may apply to a magistrate with respect to any of the nuisances already specified as within the reach of a sanitary authority, and the magistrate may act in the same way as if the complaint had been made by the sanitary authority; but may also appoint a constable, or other person, to enter and examine the premises, and carry out his orders, and may order the person on whom the order is made to pay the expenses incurred with respect to its making and execution. By virtue of this section the Council and its committees can take direct action where it is deemed expedient, and in 1893 the Mansion House Council, acting under this provision, obtained a closing order as to premises in Bethnal Green belonging to a prominent member of the local vestry.

A third way is also open for individual action. Where a sanitary authority is in general default as to the execution of its duties, a representation to that effect may

[1] 54 & 55 Vict., c. 76, section 3.
[2] Section 12 (1).

be made to the London County Council; and that body, if satisfied that the complaint is well grounded, may (*a*) either supersede the local authority as to the particular defaults, and execute the work for it at the local authority's [1] expense; or (*b*), in a case of great default, may complain to the Local Government Board, who may then inquire into the matter, and, if it seems expedient, take proceedings for the supersession of the sanitary authority.

Upon the whole, it is open to question whether or not matters were better before 1891, inasmuch as an appeal could be made directly to the Local Government Board, and an inquiry could usually be obtained with little delay, while now the circuitous route through the County Council, on which sit representatives of the defaulting authority, is apt to be longer and affords less publicity to the Inquiry.

Examples of Nuisances.

Unhealthy Premises.

We have ascertained what a nuisance within the Public Health Act of 1891 really is, and have seen what are the ways and means by which such a nuisance can be dealt with. It now remains to inquire somewhat more closely into the several matters which come within the definitions already given (*see* pp. 19, 20).

Any premises in such a state as to be a nuisance, or injurious, or dangerous to health.

"At the Thames Police Court, an owner of property in Limehouse was summoned at the instance of the Limehouse District Board of Works for neglecting to comply with a notice of the Board served upon him requiring him to make the premises fit for human habitation. The premises consisted of a shop and three rooms. All the walls and ceilings were in a most filthy condition, and the floor-boards were rotten and broken—the latter on the earth—and there was no through ventilation. The shop was used as a rag-shop, commonly known as a 'dolly-shop,' and on the floors in the shop and rooms there was an accumulation of old underclothing, boots, shoes, and rags, and the shop was so full that the inspector was unable to get through it. The sanitary inspector obtained access to the other rooms by means of a ladder, on which he stood, and was then able to look into them. When he came away he found something he did not want on his clothes. The

[1] Section 100.

state of the house was injurious to health, and rendered it unfit for human habitation. The same day he posted a notice to defendant, requiring him to render the house fit for human habitation. Defendant had attended a meeting of the Board, but had failed to comply with the notice. The medical officer of health deposed that he had examined the premises, and agreed with the evidence of the last witness. The magistrate said that it was quite clear that the state of the premises rendered them unfit for human habitation, and he would make an order for them to be closed."

In another case it was proved that—"The houses were two-roomed tenements, one on the ground and one above. Each house had a front door and a window for each room, but no through ventilation, and in consequence of their being built against a wall, which was in part the back wall of a stable, through ventilation was impossible. The lower rooms of all the houses were damp, the paper peeling off the walls, and very foul. There was a covered court to the property, which contained two w.c.s and a dust-bin, those conveniences being, like the water-tap, 'for all the colony' to use. The sewage water ran from beneath one closet to the surface of the yard, and trickled off to a drain in the covered court."

Filthy Drains.

Any pool, ditch, gutter, water-course, cistern, water-closet, earth-closet, privy, urinal, cesspool, drain, dung-pit, or ash-pit, so foul, or in such a state as to be a nuisance, or injurious, or dangerous to health.

"At Marylebone an owner of house property appeared before Mr. Hannay to answer the complaint of a summons taken out by the St. Pancras Vestry for allowing a defective drain at the house 41, Dartmouth Park Road, so as to be a nuisance, dangerous or injurious to health. The defendant used to occupy the house with his family. He vacated it about the middle of June, and Mr. William M. Booth became the tenant at Midsummer Day. Directly afterwards he and his wife noticed bad smells, and within a week one of his daughters had scarlet fever. Another daughter was suffering from blood-poisoning. Witness and his wife had suffered with sore-throats and headaches, and so had their housekeeper. He communicated with the vestry, and on June 30th Tom Anderson, a sanitary inspector, visited the house. On that and subsequent occasions the house was inspected, and the owner was called upon to put the drains in repair, for they had been found to be very defective. On July 25th it was discovered that the defendant had had some work done in the front area, and at the rear of the house, but nothing had been done to the drains in the house, and sewer-gas was escaping. Last Monday Dr. Sykes, the Medical Officer of Health, visited the premises, and, having applied a well-recognised test, proved that

the drain was defective and that sewer-gas could find its way into the house. Beyond the outside work, the defendant had done nothing. Mr. Booth told the magistrate that before he took the house he asked if the drains were all right, and the defendant assured him that they were. The house, he found, was overrun with rats. He had just discovered that the water in which his fevered child bathed had, owing to defect in the waste-pipe of the bath, fallen on to the lid of the drinking-cistern, and as there was a crack in that the water must have run through into the cistern. The defence was that, on receipt of the notice from the vestry, a builder named Scales, of Highgate Road, was engaged to do what was necessary. Scales was called as a witness, and he said he should have done more to the drain, but he waited for the instructions from the defendant's surveyor. Mr. Hannay fined the defendant £5 with costs, and told him he must proceed with the work at once."

Mr. Booth took action in this case under the advice of the Mansion House Council.

Accumulations.

Any accumulation or deposit which is a nuisance, or injurious, or dangerous to health.

As to accumulations arising in the course of a trade or manufacture *see* p. 19. This applies to dust-bins, manure heaps, ill-managed rag-and-bone shops, and the like.

Overcrowding.

Any house, or part of a house, so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family.

"A girl applied to the magistrate at the South-Western Police Court, and stated that her parents and four others lived and slept in a single room, and that she had either to sleep on the floor or share a bed with a married brother and his wife, and that her parents would not allow her to go away and live with a sister. The magistrate directed the vestry to inquire into the case, as one of overcrowding."

This is a most important provision, though hitherto it can scarcely be said to have been put in force at all; for, as the making of an order involves throwing the people into the street, the magistrates are most unwilling to make an order. It is not the only way in which the law deals directly with the evil of overcrowding.

As to what overcrowding is, it may be said usually to

begin where a tenement is occupied by more than one family.

Overcrowding is dealt with by the sanitary authorities where it takes place in houses let in lodgings or occupied by members of more than one family. With respect to such houses, the authority is bound to make and enforce bye-laws [1] fixing the number of persons who may occupy each such house, and providing for the separation of the sexes therein.

Inquiry should be made in each district whether the sanitary authority has performed the duties imposed upon it as to these houses; and, if it has not, communication should be made to the County Council or the Local Government Board to make the sanitary authority do its duty.

In practice it is found difficult, if not impossible, to enforce bye-laws for visiting such tenements at night, the inevitable invasion of privacy evoking the deepest resentment.

The provisions as to overcrowding above stated apply to tenement-houses and all houses in which lodgers are taken in, but not to what are termed common lodging-houses. These are regulated by the Common Lodging-Houses Acts,[2] which are executed by the Metropolitan Police and not by the sanitary authorities.

The Commissioner of Police may, subject to the confirmation of a Secretary of State, make for the County of London (exclusive of the City) regulations for common lodging-houses within his jurisdiction for all or any of the purposes for which a sanitary authority may make regulations as above stated,[3] and for maintaining order therein.

There is no definition of the term "common lodging-house" in the Acts relating to their regulation, and whether a house is or is not a common lodging-house is a question of fact to be settled by the magistrate asked to enforce

[1] 54 & 55 Vict., c. 76, section 94 (1). *Vide infra*, p. 36.

[2] 14 & 15 Vict., c. 28; 16 & 17 Vict., c. 41; 29 & 30 Vict., c. 90, section 41.

[3] 14 & 15 Vict., c. 28, section 9, as modified by subsequent legislation. The Act of 1848 was repealed in 1875 (Public Health Act, section 343), but this does not affect the Act of 1851.

the law against the house.[1] It includes houses where hawkers or pedlars or tramps are taken in at so much a night, and probably houses where persons are lodged for hire for less than a week at a time;[2] but not charitable shelters such as those managed by the Church Army or the Salvation Army.[3]

Overcrowding and the Removal of Children.

It has been pointed out (*ante*, p. 20) that overcrowding in itself is a nuisance within the meaning of the Public Health Act for London. It is found, however, in practice, that the whole evil to be guarded against does not consist merely of the close association of human beings under conditions dangerous to their bodily health, but that it included the equally dangerous results arising from moral contamination. For instance, in a recent account of a very poor locality, the informant states that in a room he visited the children were turned out into the street in the early evening because their mother lets the room for immoral purposes until long after midnight. Such a case as this ought to have been impossible had the law been strictly carried out; its occurrence has been provided against by the Industrial Schools Act, 1880, whereby children lodging with prostitutes or frequenting their company not only may, but must, be sent to an Industrial School.[4] And the same may be said of those children who are referred to as growing up in a life of dishonesty and crime, the outcome of their association with the criminal classes. They, too, under the provisions of the Act referred to, ought, if the law were properly put in force, to be removed from such associations under the powers given for dealing with children frequenting the company of reputed thieves.

There are, in fact, various powers under the Reformatory and Industrial Schools Acts, and under the Elementary Education Acts, whereby children may be withdrawn without the consent of their parents from their

[1] Langdon *v.* Broadbent (1877). 37 L. T., 434.

[2] The definition given in section 116 of the Towns Police Clauses Act, 1847 (10 & 11 Vict., c. 34).

[3] Booth *v.* Ferrett (1890), 25 Q. B. D., 87.

[4] *See* Hiscocks *v.* Jermonson, 10 Q. B. D., 360.

ordinary surroundings, and some of the worst results of overcrowding be thereby avoided.

The classes of children who may be dealt with under these Acts may be summarised as follows:—

Children who may be sent to an Industrial School:

1. Children found begging, wandering, and not having any home; children found destitute, children frequenting the company of reputed thieves. (29 & 30 Vict., c. 118, section 14.)
2. Children charged with an offence, but who have not been previously convicted of felony. (Same Act, section 15.)
3. Refractory children sent by their parents. (Same Act, section 16.)
4. Refractory children sent from a workhouse or pauper school. (Same Act, section 17.)
5. Children of a mother twice convicted of "crime" and sentenced to penal servitude. (34 & 35 Vict., c. 112, section 14.)
6. Children sent for breach of an order to attend school (*a*) whose education is habitually neglected, (*b*) who are found habitually wandering or in the company of rogues. (39 & 40 Vict., c. 76.)
7. Children lodging with prostitutes or frequenting their company. (43 & 44 Vict., c. 15.)

The children must be under fourteen; or, if sent charged with an offence, under twelve; if sent for breach of an attendance order, not under five.

The power of putting the law in force with regard to these children practically lies with any member of the public; and with regard to committals under the Elementary Education Acts there are two ways of proceeding. In the first place, it is open to *any person* to inform the School Board with regard to a child within its jurisdiction liable to be sent to an Industrial School under the Acts of 1866[1] or 1876,[2] and it is the *duty of* the School Board to act upon the information. In the second place, the task, which is open to any member of the public, is

[1] Industrial Schools Act (29 & 30 Vict., c 118).
[2] Elementary Education Act, 1876 (39 & 40 Vict., c. 76).

especially declared to be the duty of the School Board, and it is the business of its officers to find out and to deal with children to whom the special powers referred to may apply.

Unhealthy Work-places.

Any factory, workshop, or work-place, which is not a factory subject to the provisions of the Factory Act, 1878, *relating to cleanliness, ventilation and overcrowding, and* (1) *is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth-closet, water-closet, urinal, or other nuisance; or*

(2) *Is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust, or other impurities generated in the course of the work carried on therein, that are a nuisance, or injurious, or dangerous, to health; or*

(3) *Is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein.*[1]

"Dr. G. Danford Thomas held an inquest at Holborn Town Hall on the body of a child, aged 5 years, daughter of a journeyman tailor working at his own home in Holborn. According to the mother of the deceased, she had now four children living, two of whom had been removed to a fever hospital. Her husband, herself, and family, occupied three rooms at 53, Devonshire Street, two at the top and a kitchen in the basement.—Mr. Stripling, coroner's officer, said the top rooms were attics with a slanting roof.—The witness (continuing) said the first top room was used as a work-room, and the attic behind as a sleeping compartment. Her husband brought home garments to make up from tailors' shops, and usually had two assistants. On Monday, the 31st ult., the deceased first became ill with pains in her head and legs, but witness thought she suffered from a cold, and was not alarmed about her until the following Saturday, when she set about securing the attendance of the parochial doctor, Dr. R. Taylor. He arrived about noon, but the child was then dead from, as he said, scarlet fever. Two younger children affected with scarlet fever were in the afternoon removed to a fever asylum.—Coroner: Is work going on in the front room now?—Witness: No. Replying to the coroner, she said an 'awful smell' arose in a cellar on a level with a kitchen they occupied, which smell she attributed to defective drainage. The sanitary officials had, she believed, been written to about the nuisance. A builder had done some repairing

[1] Section 2 (1 *g*). *See also* sections 26 and 27.

work in the cellar since, but the work was not completed because the landlord would not pay him to finish it properly. Hence the smell continued.—The Coroner: Did the children run in and out of the top rooms?—Witness: No, I took them from the bedroom down to the kitchen; they never entered the work-room.—The Coroner: Scarlet fever cannot be propagated more easily than by infected clothing. The clothes which your husband made with assistance would pass on to customers, and in this way infection spreads.—Mary Ann Cain, a tailoress, who worked, but did not reside, in the house, said the two top rooms did not communicate by folding doors. There was a separate door to each room.—The Coroner: You have your meals there, sit at the same table with your employer and his family, and handle the clothes which are being made up just after handling the children.—Dr. Reginald Taylor, parochial medical officer, said the deceased died from syncope consequent upon pneumonia produced by scarlet fever. Besides the two other children, whom he had ordered away to the asylum, there was a little girl apparently just recovering from the effects of scarlet fever.—The Coroner: So that the whole surroundings were warm with scarlet fever?—Witness: Yes.—The father having given evidence, a sanitary inspector in the service of the Holborn District Board of Works explained that a complaint was made about the house in June last; and on the 11th of the next month certain cleansing and disinfecting work was ordered to be done, but no repairs to a drain; and he could not say whether there was an old brick drain or not under the cellar. At the time witness was the only sanitary inspector in the district, but since then he had been provided with an assistant. The witness said he would at once see to the sanitation of these premises.—The Coroner: It may be difficult to get landlords to do all that is needed when the rents don't pay them.—Mr. Birch (relieving officer): The rents, sir! Why these places pay 50 per cent. profit. These houses are 120 years old, and ought to have been condemned long ago, in my opinion.—The jury returned a verdict in accordance with the medical evidence, and called the special attention of the Holborn District Board to the condition of the property."

Smoke.

Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufactory or trade process whatsoever. Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance.[1]

[1] 1891, section 24 (*a*) (6).

This provision, though important in its way, bears only indirectly upon the question of how to do away with unsanitary dwellings. It is, therefore, scarcely necessary to supply illustrations of its working. It is referred to because it is one of the "nuisances" defined as such by the Act we are discussing.

Water Supply.

Any premises in which there is a want of the prescribed fittings for the supply of water after the time prescribed.[1]

It is frequently found that the arrangements for bringing water into dwelling-houses are incomplete or deficient, although the water companies have done their duty by supplying pure water in the neighbouring main. In such a case the power of compelling the owner or occupier to do the duty imposed by the Water Act of 1871 may be exercised by the sanitary authority. Dwellings which are deficient as to the water arrangements are, in so many words, declared to be unfit for human habitation, and must be closed accordingly.[2]

Regulation of Tenement-Houses.

But we have not exhausted the list of preventive and remedial provisions contained in the London Public Health Act. Hitherto we have dealt with what may be called the aggressive part of the law, that which is concerned with the removal of nuisances which actually exist, and the punishment of those who are responsible for their existence. We now come to another and not less important part, which may be called the regulating portion of the law. It is directed towards maintaining existing dwellings in a proper condition, and preventing the growth of nuisances. In section 94 of the Act of 1891[3] it is provided as follows:—

(1) Every sanitary authority shall make and enforce such bye-laws as are requisite for the following matters, that is to say—

[1] 34 & 35 Vict., c. 113, section 33, Public Health Act, 1891 (section 4 (3) (*a*) of 1871).

[2] *See* pp. 20, 63.

[3] *See* Appendix, p. 122, for Model Bye-Laws.

(*a*) For fixing the number of persons who may occupy a house or part of a house which is let in lodgings or occupied by members of more than one family, and for the separation of the sexes in a house so let or occupied;

(*b*) For the registration of houses so let or occupied;

(*c*) For the inspection of such houses;

(*d*) For enforcing drainage for such houses, and for promoting cleanliness and ventilation in such houses;

(*e*) For the cleansing and lime-washing at stated times of the premises;

(*f*) For the taking of precautions in case of an infectious disease.

(2) This section shall not apply to common lodging-houses within the Common Lodging-Houses Act, 1851 (*d*) or any Act amending the same.[1]

This enactment considerably alters the law. It is now compulsory, and not optional, on the local authorities to deal with tenement-houses. The Local Government Board has framed model bye-laws, under the Public Health Act, 1875,[2] which, with a few modifications, could be adopted by London authorities.

Some authorities have adopted bye-laws and use them, but many are, we believe, still in default; and individual effort should be directed to ascertaining the defaulting authorities and taking the steps indicated (*supra*, p. 26) to bring them to a sense of their duty.

The Salvation Army shelters seem not to fall within these provisions.

It should be pointed out that there is no statutory provision as to the proper amount of air-space for each person, but that the model bye-laws specify what seems to be regarded as the scientific minimum properly to be allowed.

Infectious Diseases.

All the regulations for the notification and prevention of infectious and epidemic diseases in the metropolis are now contained in sections 55 to 87, and section 89 of the

[1] *Vide supra*, p. 31. [2] *Vide infra*, p. 122.

Public Health (London) Act, 1891.[1] The Isolation Hospitals Act, 1893, does not apply to London.

Under the term infectious disease are included:—small-pox, cholera, diphtheria, membranous croup, erysipelas, scarlatina or scarlet fever, typhus, typhoid, enteric, relapsing, continued, or puerperal.[2]

The London County Council for all London,[3] and every vestry or district board for its own district, may, by resolution, order either permanently or for a specified time, that the provisions of the Act for the notification and prevention of infectious diseases shall apply within their respective jurisdiction to any disease not included in the above list,[4] subject to the observation of the requirements as to notice, publication, &c.,[5] and to the approval of the Local Government Board.[5]

Notification.

Notice of a case of infectious disease must be sent on discovery to the medical officer of health of the district by—

The head of the patient's family; and, in his default, by

The nearest relatives of the patient present or in attendance; and, in their default, by

Every person in charge of, or in attendance on, the patient; and, in his default, by

The head of the house.[6]

Notice must also be given by every medical practitioner called in or in attendance on the patient; and, in the case of a practitioner, such notice must specify the patient's name, address, age, sex, and the disease from which he believes the patient to be suffering.[7] Forms for such notice and certificate of infectious disease must be provided gratis to any medical practitioner applying for the same to the sanitary authority of his district. The Local Government Board prescribe forms for this purpose, the use of which is compulsory.[8] Failure to send such

[1] 54 & 55 Vict., c. 76.
[2] Section 55 (8).
[3] Section 56 (6).
[4] Sections 55 (1) 58 (1).
[5] Section 55 (2, 3, 4, 5).
[6] Section 55 (1 *a*).
[7] Section 55 (1 *b*).
[8] Section 55 (3).

statutory notice renders the defaulter liable to be fined up to forty shillings;[1] but a doctor cannot be rendered liable to a penalty for making a false diagnosis. He is entitled to a fee for giving the notice, and this also he can recover if he was mistaken as to his diagnosis.

On receipt of notice, the medical officer of health must send a copy thereof within twelve hours to the Metropolitan Asylums managers; and, where the patient is a school-child, to the head-teacher of the school attended either by the child himself, or by a child living in the same house with the patient.[2]

Prevention.

Disinfection.—It is the duty of every sanitary authority to provide suitable premises and all other requirements for the disinfection and destruction of articles infected by any of the diseases enumerated above, also carriages or vessels for their removal; and they may do the same in the case of articles infected by any other disease. Also the sanitary authority *must* destroy, or return disinfected, any article brought to them for such purpose and alleged to infected by any disease; and they may do so without any charge.[3]

On the representation either of their own medical officer, or of any legally qualified practitioner,[4] the sanitary authority must serve notice on the master (or owner, if unoccupied) of any house, or part of a house, which the medical officer, or medical practitioner, deems proper to be disinfected, that the same, with any articles therein requiring disinfection, will be cleansed and disinfected and, as it may be, the articles destroyed, unless within twenty-four hours they are informed by him that he will, within the time specified in the notice, perform all such disinfecting operations to the satisfaction of the medical officer or medical practitioner.[5] Should he fail to give such information, or, giving it, fail to act in accordance

[1] Section 55 (2). [2] Section 55 (4). [3] Section 59 (1).
[4] *I.e.*, registered under the Medical Acts, 21 & 22 Vict., c. 90, 49 & 50 Vict., c. 48.
[5] Section 60 (1).

therewith, or consent without receiving such notice from the sanitary authority, the latter must perform all such cleansing and disinfecting operations themselves, and may enter the house at any time between 6 a.m. and 9 p.m. to do so.[1]

The sanitary authority must provide such temporary accommodation as is required by any persons disturbed by such disinfecting operations,[2] and must also compensate the owner for any unnecessary damage done to the house or articles disinfected; also for any articles destroyed.[3]

Any person owning bedding, clothing, or other article exposed to infection from one of the diseases above enumerated, may be required, on notice from the sanitary authority, to deliver such article to an officer of the authority for disinfection or destruction, failure to comply with such notice rendering him liable to be fined up to £10. After disinfection the articles must be returned to their owner free of charge, compensation being paid for needless damage or destruction.[4]

The Spread of Infection.—The Act contains many provisions for the check of the spread of infection by rendering various careless actions and rash conduct penal, such as—throwing into an ash-pit, dust-pail, &c., any rubbish known to be infected by one of the diseases enumerated on p. 38, which is an offence punishable by a fine not exceeding £5, and 40s. every day it continues.

The sanitary authority must notify this provision to the master of any house in which there is a case of such disease;[5] or

The letting of rooms in which there has been, to the knowledge of the lessor, a case of infectious disease, without adequate disinfection, certified by a medical practitioner (fine, not exceeding £20)[6]; or,

Deceiving any person negotiating for the hire of rooms as to the circumstance of there having been within six weeks previous an infectious case in such rooms. (Penalty,

[1] 54 & 55 Vict., c. 76, section 60 (2 and 3).
[2] Section 60 (4).
[3] Section 60 (5).
[4] Section 61 (1 and 2).
[5] Section 62.
[6] Section 63 (1).

fine not exceeding £20 or imprisonment for term not longer than one month)[1]; or,

Leaving a house, or rooms, where there has been such a case within six weeks previous without having the rooms duly disinfected, or informing the master or owner of the fact of such a case having occurred; or, for giving a false answer on being questioned as to the fact by the master or owner of the house, or by any party treating for hire. (Penalty, fine up to £10.)[2]

Every master or owner of a house, in which there is such a case known to the sanitary authority, must by them be notified of this provision.[3]

In all these cases "infectious disease" must be understood to mean one of those diseases set out on p. 38.

Exposure in a street, public place, shop, or inn, either of himself by a person suffering from an infectious disease, or of such patient by a person in charge, renders the party responsible for such exposure liable to a fine not exceeding £5.[4]

The same penalty attaches to the improper exposure of, or other trafficking with, bedding, clothing, or other article infected with such disease.[5]

Nor is any person who knows himself to be suffering from an infectious disease to engage in any business in such a way as would be likely to spread the infection; and he is not to engage *at all* in any occupation connected with food;[6] nor may such person enter any public conveyance. (Fine, up to £10.)[4]

No driver or owner of a public conveyance may knowingly convey, or other person knowingly place, any person suffering from an infectious disease in such conveyance. (Fine, up to £10.)[4]

In the case of unwitting conveyance of a person so diseased, the driver or owner is bound, on discovering the fact, to take the proper steps for disinfecting the conveyance.[7]

With a view to checking the spread of infection, steps may be taken for the compulsory isolation of infectious

[1] 54 & 55 Vict., c. 76, section 64.
[2] Section 65 (1).
[3] Section 65 (2).
[4] Section 68 (1).
[5] Section 68 (1 [*c*] and 2).
[6] Section 69.
[7] Section 70.

cases; by removal to, or detention in, a hospital in cases where proper accommodation cannot be provided in the patient's home, or where he lives in a tent or van, or is on board ship.[1]

Dairies are to be inspected, and, where the sanitary authority, after hearing the dairyman, concludes that infectious disease in their district is to be attributed to milk supplied by such dairyman (whether carrying on business within or without their district), shall make an order prohibiting the supply of such milk within their district during their pleasure; and the fact must be notified to the Local Government Board and the council of the county wherein the dairy is situated.[2]

Disposal of the Dead.

Nor is the danger of infection from corpses overlooked in the Act. No person may for more than forty-eight hours retain unburied in a dwelling-place, sleeping-place, or work-room, the body of a person who has died of a dangerous infectious disease (*see* list on p. 38), unless he have the written sanction of the medical officer of health or a legally qualified practitioner. The penalty for so doing is a fine not exceeding £5.[3]

Also, it is a statutory offence, punishable by a fine, to allow the body of a person that has died from such disease to be carried in a public conveyance, other than a hearse, without previously notifying to the driver or owner the circumstances of such person's death, or for the owner, on discovering such circumstance, to omit to have the conveyance duly disinfected.[4]

Where the body of a person who has died of *any* infectious disease is retained in a room where persons live or sleep, or, in case of a person who has died of a dangerous infectious disease, for more than two days in a dwelling-place, sleeping-place, or work-room, or, generally where any corpse is so kept in a house as to endanger the health of the inmates or their neighbours, a magistrate may, on a medical certificate, direct the removal of such body to a mortuary, or its immediate interment, according

[1] 54 & 55 Vict., c. 76, sections 66 and 67.
[2] Section 71.
[3] Section 72.
[4] Section 74.

to his discretion; and in the default of the relatives or friends of the deceased, the relieving officer must bury such body, at the primary cost of the Board of Guardians, who may use their discretion as to proceeding to recover the same from those legally responsible.[1]

Epidemic Regulations.

The sanitary authority (vestry or district board), is the authority appointed by the Public Health Act for London, to execute any epidemic regulations declared by the Local Government Board to be in force in their district or in any part of it.[2]

The Local Government Board is empowered by the Public Health Act, 1875, to issue,[3] modify, and revoke regulations as to epidemic diseases; and wilful neglect or refusal to comply with such regulations is punishable by a fine not exceeding £50.

In particular, the Local Government Board may make regulations as to

(1) Speedy interment of the dead.

(2) House to house visitation.

(3) The provision of medical aid and accommodation, of cleansing, ventilation and disinfection, and the guarding against the spread of disease.

By a local Act, passed in 1893, the Local Government Board are authorised to delegate to the London County Council any powers and duties under the epidemic regulations made under Section 134 of the Public Health Act, 1875, which they may deem it desirable should be exercised and performed by the Council; and where the Local Government Board are of opinion that any sanitary authority on whose default the Council could proceed under the Public Health (London) Act, 1891, is making, or is likely to make default in executing the epidemic regulations, they may, by order, assign to the Council, for such time as may be specified in the order, such powers and duties of the sanitary authority under the regulations

[1] 54 & 55 Vict., c. 76, section 89.
[2] Section 82 (1).
[3] 38 & 39 Vict., c. 55, section 130, 134, 135, and 140.

as they think fit. The expenses incurred in executing the order are to be recoverable from the sanitary authority, as provided by Section 101 (3) of the Public Health (London) Act, 1891.[1]

Unsound Food.

With a view to the prevention of the sale of unsound food, and the detection and punishment of offenders, power is given [2] to medical officers of health and sanitary inspectors to enter any premises and examine any animal, or any article intended for food, that is exposed or deposited in any place for the purpose of sale, or preparation for sale; and, if any such animal or article appear to be unfit for human food, may seize and take it to a magistrate to deal with. If the magistrate holds that the article seized is unfit for food, he must condemn it, and make an order preventing its sale or use as food for man.

The provisions just stated are, to a large extent, new; for till 1891 the magistrate could only deal with certain specified articles of food. It would seem that the articles seized must be brought to the magistrates' court, which is very inconvenient in the case of a large seizure of rotten fish or fruit. If entry is not permitted by the occupier, he is liable to a fine, and a magistrate may grant a warrant to enforce the right of entry.[3] Any person who is convicted of having offered for sale, or having on his premises, such unsound food (intended as such) is liable to a fine of £50, or imprisonment for a term not exceeding six months, at the discretion of the magistrate.[4] In the case of a person convicted of this offence more than once within twelve months, the court may order a notice to be affixed to any premises of his for a period not exceeding twenty-one days, stating the facts and circumstances of such convictions, and at the offender's cost.[5] Should it be shown that the article seized as unsound was sold to the possessor in a similar condition of unfitness for food, to the knowledge of the vendor, the latter will be liable to the penalties above mentioned.[6]

[1] London County Council (General Powers) Act, 1893 (56 & 57 Vict., c. ccxxi., section 13).
[2] 54 & 55 Vict., c. 76, section 47 (1).
[3] Section 115 (3).
[4] Section 47 (2).
[5] Section 47 (4).
[6] Section 47 (3).

Any person having unsound food in his possession, may by due notice request the sanitary authority to remove the same, in which case the authority is bound to do so.[1]

All these provisions are in addition to the common law liability of sellers of unsound food. A man was convicted at the summer assizes for causing the death of a customer by the sale of diseased meat.

There is ample provision under the Sale of Food and Drugs Acts for dealing with adulteration; but, as these Acts do not depend on any proof of unsoundness in the things sold, we do not include them here.

[1] Section 47 (8).

CHAPTER III.

THE METROPOLIS MANAGEMENT ACTS.

The Acts known as the Metropolis Management and Building Acts[1] form, with the Public Health Act of 1891, the existing code for the regulation of drainage and building in London.

The most important are the Act of 1855[2] (*a a*) and the amending Act of 1862,[3] but several other supplementary and amending Acts have been passed, in particular local Acts obtained by the County Council in 1890 and 1893,[4] and reference will be made to them in the text. It is not intended to enter at length into the consideration of the construction of drains or the building of houses, the quality of materials used, and the thickness and dimensions of walls, &c. These points, important as they are in themselves, do not come directly within the scope of this manual. Those who desire to acquaint themselves more fully with the subject should refer to Griffiths on the London Building Acts[5] and to the bye-laws printed *infra*, pp. 152—160.

There are, however, other provisions in the Metropolis Management Acts which have a direct bearing upon the matter in hand. It will be best to deal with them under separate heads, remembering that, as usual with our law, no single rule as it stands is complete, and that there are other regulations supplementing those given in this chapter, which will be found under the heading of the Public Health Act for London.

[1] Metropolis Management Acts, 1855-1887, Building Acts, 1855-1882. A complete list of these Acts up to 1891 is given in the second schedule to the Short Titles Act, 1892 (55 Vict., c. 10).

[2] 18 & 19 Vict., c. 120.

[3] 25 & 26 Vict., c. 102.

[4] 53 & 54 Vict., c. ccxliii. 56 & 57 Vict., c. ccxxi.

[5] Published by Clowes, London, in 1893.

For instance, a reference to the chapter on the said Act (pp. 19—29) will show that there are other ways of dealing with defective drainage than those laid down in the Metropolis Management Acts. With this caution against a belief that, where no remedy exists in any statute with which we are about to deal, it necessarily follows that no remedy exists at all, we may proceed to note the material portions of the original and amending Acts for the Management of London.

Cellars and Underground Dwellings.

It is well known that the existence of underground dwellings is at times a serious aggravation of the evils of overcrowding and unhealthy lodgings. The provisions on this subject of the Acts of 1855 (section 103) and 1862 (section 62) have now been repealed and superseded by section 96 of the Public Health Act of 1891, which runs as follows:—

Underground Rooms.

(1) Any underground room, which was not let or occupied separately as a dwelling before the passing of this Act (5 August, 1891), shall not be so let or occupied unless it possesses the following requisites, that is to say—

(*a*) Unless the room is in every part thereof at least seven feet high (measured from the floor to the ceiling), and has at least three feet of its height above the surface of the street or ground adjoining or nearest to the room: Provided that, if the width of the area hereinafter mentioned is not less than the height of the room from the floor to the said surface of the street or ground, the height of the room above such surface may be less than three feet, but it shall not in any case be less than one foot, and the width of the area need not in any case be more than six feet;

(*b*) Unless every wall of the room is constructed with a proper damp course, and, if in contact with the soil, is effectually secured against dampness from that soil;

(*c*) Unless there is outside of and adjoining the room,

and extending along the entire frontage thereof, and upwards from six inches below the level of the floor thereof, an open area, properly paved, at least four feet wide in every part thereof: Provided that in the area there may be placed steps necessary for access to the room, and over and across such area there may be steps necessary for access to any building above the underground room, if the steps in each case be so placed as not to be over or across any external window;

(*d*) Unless the said area and the soil immediately below the room are effectually drained;

(*e*) Unless, if the room has a hollow floor, the space beneath it is sufficiently ventilated to the outer air;

(*f*) Unless any drain passing under the room is properly constructed of a gas-tight pipe;

(*g*) Unless the room is effectually secured against the rising of any effluvia or exhalation;

(*h*) Unless there is appurtenant to the room the use of a water-closet and a proper and sufficient ash-pit;

(*i*) Unless the room is effectually ventilated;

(*j*) Unless the room has a fireplace with a proper chimney or flue;

(*k*) Unless the room has one or more windows opening directly into the external air, with a total area clear of the sash frames equal to at least one-tenth of the floor area of the room, and so constructed that one-half at least of each window of the room can be opened, and the opening in each case extends to the top of the window.

(2) If any person lets or occupies, or continues to let, or knowingly suffers to be occupied, any underground room contrary to this enactment, he shall be liable to a fine not exceeding twenty shillings for every day during which the room continues to be so let or occupied.

(3) The foregoing provisions shall, at the expiration of six months after the commencement of this Act (July 1, 1892), extend to underground rooms let or occupied separately as dwellings before the passing of this Act, except that the sanitary authority, either by general regulations providing for classes of underground rooms; or, on the application of the owner of such room, in any particular

case, may dispense with or modify any of the said requisites, which involve the structural alteration of the building, if they are of opinion that they can properly do so, as having due regard to the fitness of the room for human habitation, to the house accommodation in the district, and to the sanitary condition of the inhabitants, and to other circumstances; but any requisite which was required *before*[1] the passing of this Act shall not be so dispensed with or modified.

(4) The dispensations and modification may be allowed either absolutely or for a limited period, and may be revoked and varied by the sanitary authority, and shall be recorded, together with the reasons, in the minutes of the sanitary authority.

(5) If the owner of any room feels aggrieved by the dispensation or modification not being allowed as regards that room, he may appeal to the Local Government Board, and that Board may refuse the dispensation or modification, or allow it wholly or partly as if they were the sanitary authority. Such allowance may be revoked or varied by the Board, but not by the sanitary authority.

(6) Where two or more underground rooms are occupied together, and are not occupied in conjunction with any other room or rooms on any other floor of the same house, each of them shall be deemed to be separately occupied as a dwelling within the meaning of the section.

(7) Every underground room in which a person passes the night shall be deemed to be occupied as a dwelling within the meaning of this section; and evidence giving rise to a probable presumption that some person passes the night in an underground room shall be evidence, until the contrary is proved, that such has been the case.

(8) Where it is shown that any person uses an underground room as a sleeping place, it shall, in any proceeding under this section, lie on the defendant to show that the room is not separately occupied as a dwelling.

[1] *See* 18 & 19 Vict., c. 120, section 103.

(9) For the purpose of this section, the expression, "underground room," includes any room of a house the surface of a floor of which room is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room.

> This enactment, besides its other improvements on the existing law, gets rid of the immunity possessed by houses built before 1855, which, by reason of their age, were more rotten and unwholesome than houses to which the Management Acts applied.

The enforcement of these provisions is now entrusted to the local sanitary authority [1] instead of the County Council; and the sanitary inspectors have power, and are bound to enter any such dwellings to inspect them and report on them for the purpose of enforcing the Act;[2] and, in the event of two convictions within three months for occupying an underground dwelling, a closing order may be made.[3]

Drains—Ash-pits[4]—Closets.

The law as to drains is contained in the Act of 1855. That as to ash-pits and closets is contained in the Public Health (London) Act of 1891.

No house or other building may be built, or rebuilt, unless a properly constructed and connected drain, with adequate branches and water apparatus, be provided to the satisfaction of the surveyor to the local sanitary authority.[5]

If any houses are built or rebuilt without a sufficient water-closet or privy and ash-pit, furnished with proper doors and coverings, and also furnished as regards the water-closet with suitable water-supply and water-supply apparatus, and with suitable trapped soil-pan, and other suitable works and arrangements, so far as may be necessary to secure the efficient operation thereof, the person

[1] Section 96. [2] Section 97.
[3] Section 98, *vide supra*, p. 25.
[4] Ash-pit includes dustbin, ash-tub, or other receptacle, for the deposit of ashes or refuse matter.
[5] Act of 1855, section 75.

building or rebuilding such house is liable to a penalty not exceeding £20.[1]

And where a house already built is without the conveniences named above, the local authority must, on proof of the fact, insist upon the owner or occupier furnishing such conveniences, and in default may furnish them themselves and charge the cost upon the owner.[2]

Where difficulties arise from want of sewerage or water-supply, an earth-closet or privy may be used or built instead of a water-closet.[3] The Act still permits the local authority to sanction the continued use of a water-closet in common between two or more houses if it has been used so before the Act of 1891 and, in their opinion, can properly continue to be so used.[4]

In the case of all factories and workshops, sufficient and suitable accommodation for both sexes where necessary must be provided, and the sanitary authority may compel its provision.[5]

The County Council must make bye-laws as to the proper structure of all ash-pits, closets, and privies, and the sanitary authority must make bye-laws as to the proper supply of water to water-closets.[6] Plumbers and sanitary engineers who construct or repair water-closets or drains in such a way as to be a nuisance, or injurious, or dangerous to health, are now liable to a fine not exceeding £20.[7]

Inspectors are appointed by the local authority, whose duty it is to inquire into the state of drains, closets, cesspools, &c. They may enter premises for the purpose of making an inspection at any reasonable time during the day, after having given twenty-four hours' notice; and they may insist upon proper accommodation being provided.[8]

[1] 54 & 55 Vict., c. 76, section 37 (2).
[2] Same Act, section 37 (3).
[3] Section 37 (4).
[4] Section 37 (4*b*).
[5] Section 38.
[6] Section 39 (1, 2, 3). For Council bye-laws in force, *vide infra*, p. 140.
[7] Section 42.
[8] Act of 1891, section 40. Act of 1855, section 82.

In the parish of Kensington female inspectors have been appointed to inspect factories, &c., who are doing most useful service in the inspection of all the sanitary arrangements.

The following report shows how these inspectors are carrying out their duties. It deals with the first six weeks of their appointment, and should be a guide to the other thirty-eight vestries and district boards of the metropolis.

Extract from report to Sanitary Committee, Kensington Vestry, December 16, 1893, of work done:—

Description of Work.	Dressmakers.	Laundries.	Miscellaneous.
Houses visited	198	84	154
Workshops inspected .	119	56	17
Workshops—Workrooms therein inspected . .	194	90	56
Workshops overcrowded	18	1	1
Workshops insufficiently ventilated.	5	1	—
Workshops in a dirty condition	15	13	1

Extract from the monthly report of the medical officer of health to the vestry of Kensington on the subject:—

The new departure has aroused great interest in sanitary circles not confined to the metropolis, and I venture to prognosticate that it will prove a success in the hands of the capable inspectors to whom it has been confided. I now beg to recommend that a resolution be adopted by your vestry, as in the case of sanitary inspectors and other officers, authorising the women inspectors to authenticate by their signature such notices as the Sanitary Committee may direct to be issued upon their recommendation, under the provisions of the Public Health (London) Act, 1891, also to serve written intimations of nuisances in conformity with the requirements of the third section of the same Act.

Traps.

The County Council have now power, under a recent Act,[1] to supervise the connections between drains and sewers.

In some cases it is found that the defects in the drainage of a house may be traced to want of a proper connection between the internal drains and the sewer.

Fit and proper sinks, and fit and proper syphoned, or otherwise trapped, inlets[2] and outlets for hindering stench from the drains must be provided, and also fit and proper sand-traps, expanding inlets, and other apparatus for hindering the entry of improper substances into the drains.[3]

A penalty not exceeding £10 is incurred by persons who destroy any sink, trap, syphon, or pipe, or any works or apparatus connected with drains, closets, or water supply, if the destruction is effected without lawful authority, or creates a nuisance, or is dangerous, or injurious to health.[4]

Scavenging and Removal of Dirt, &c.

This subject is now regulated by sections 29 to 36 of the Public Health Act of 1891.

It is the duty of each local sanitary authority—

(*a*) To keep all the streets properly swept and cleansed, and to remove all refuse.

(*b*) To secure the due removal, at proper periods, of all house refuse.

(*c*) To secure the cleansing, at proper periods, of all ash-pits, &c.

(*d*) To remove accumulations of obnoxious matter, and of manure refuse from stables and cow-houses.

They must employ scavengers of their own, or contract

[1] 53 & 54 Vict., c. 66.

[2] In practice now syphon-traps alone are deemed "fit and proper." Sanitarians are agreed that "bell-traps" are a mistake.

[3] Act of 1855, sections 73, 75.

[4] Act of 1891, section 41 (1 *d*).

with scavengers, for the two purposes marked (*a*) and (*b*). In the case of trade refuse, the authority must remove it on demand, but may charge for so doing.[1]

This part of the law has been considerably altered and improved, and we note the following changes —

1. If the sanitary authority fails, without reasonable cause, to do its duty as to removing house refuse or street refuse, it is liable to a fine of £20.[2]

2. Scavengers and dustmen are liable to a fine for demanding gratuities.[3]

3. Householders are relieved from the former obligations to clean the pavement in front of their houses.[4]

Construction of Buildings.

It is not intended in this manual to inquire at length into the various provisions of the Metropolitan Building Acts and Regulation Acts with regard to the structure of buildings erected. On one or two points, however, the laws referred to touch upon existing abuses which are well known to be prejudicial to health, and which frequently present themselves to the notice of those who study the condition of dwellings of the poorer class.

Narrow Streets.

No external wall, fence, or boundary of any house or building, may be constructed, and no building structure, or erection upon a site not previously occupied in whole by a building, may be extended in such a manner that any part of the external wall of the extension shall be in any direction at a less distance than 20 feet from the centre of a roadway used as a public carriage-way, or than 10 feet from the centre of a public footway used for foot traffic only.[5]

[1] Section 33.
[2] Sections 29 (2), 30 (2).
[3] Section 34 (2)
[4] Section 29 (3).
[5] Act of 1878 (41 & 42 Vict., c. 32) section 6. London Council (General Powers) Act, 1890 (53 & 54 Vict., c. ccxliii.) section 34.

But the County Council may give consent in writing to such erection or extension in such cases, and upon such conditions, as they think proper.

Area in Rear of Dwellings.

It is often found that the space behind dwelling-houses is most inadequate and unsatisfactory from the sanitary point of view.

The law on this head has been recently amended, and now stands on a much better footing than it did.

The fourteenth section of the Metropolitan Management Act of 1882 contains the following provisions:—

"Every new building begun to be erected upon a site not previously occupied in whole or in part by a building, after the passing of this Act (19 June, 1882), intended to be used wholly or in part as a dwelling-house, shall, unless the Board otherwise permit, have directly attached thereto, and in the rear thereof, an open space exclusively belonging thereto of the following extent:—

"Where such building has a frontage not exceeding 15 feet, the extent of the open space shall be 150 square feet at the least.

"Where such building has a frontage exceeding 15 feet, but not exceeding 20 feet, the extent of the open space shall be 200 square feet at the least.

"Where such building has a frontage exceeding 20 feet, and not exceeding 30 feet, the extent of the open space shall be 300 square feet at the least; and

"Where such building has a frontage exceeding 30 feet, the extent of the open space shall be 450 square feet at the least.

"Every such open space shall be free from any erection thereon above the level of the ceiling of the ground-floor storey, and shall extend throughout the entire width, exclusive of party or external walls, of such building at the rear thereof.

"The provisions of this enactment shall be in addition to, and shall form part of, the rules of the Metropolitan Building Act, 1855,[1] and the said Act shall be construed accordingly."

[1] *See* section 29 of that Act.

Special Sanitary Protection for Tenants.

Those who rent cottages, parts of houses, or single rooms, have adequate remedy afforded them for their protection. Under section 75 of the Housing of the Working Classes Act, 1890, everyone who lets a house or portion of a house at a rateable value not over £20 a year is bound to have the house or room in a reasonably habitable state when the tenant goes in. Should any loss be incurred by the tenant through the insanitary state of the place, the landlord can be sued and damages recovered.[1] It appears to be the view of lawyers that the landlord can contract himself out of this liability, and in the recent case of Holland *v.* National Model Dwellings Co. (Lim.), tried in the High Court on 17 Feb., 1894, an agreement was produced containing a provision excluding the operation of s. 75; but the company failed, as they could not show that the provision had been called to the notice of the tenant.

The Public Health Act for London contemplates that the landlord shall be liable for nuisances caused by structural defects; and where the tenant is required to abate a nuisance of this kind, he can recover the cost from his landlord,[2] unless by the contract of tenancy he has rendered himself liable to indemnify the landlord.[3]

[1] Walker *v.* Hobbs, 23 Q. B. D., 458.
[2] Gebhardt *v.* Sanders, L. R. (1892), 2 Q. B., 452.
[3] Smith *v.* Robinson, L. R. (1893), 2 Q. B., 53.

CHAPTER IV.

WATER-SUPPLY.

THE Acts which now regulate the supply of water for domestic purposes in the Metropolis are The Metropolis Water Act, 1852 (15 & 16 Vict., c. 84), and the Metropolis Water Act, 1871 (34 & 35 Vict., c. 113). The latter Act repeals section 15 in part, sections 19 to 22, and 27 of the Act of 1852, and constitutes the City Corporation and the County Council[1] as the "Metropolitan Authorities" for the purposes of the Act.

General Purpose of the Act of 1871.

The general purpose of this Act is to ensure the constant supply of pure water for domestic use at a proper pressure in all houses fitted with suitable fittings. Power is given to local authorities to demand a supply. On the part of the water companies, a right is given to recover penalties from persons making undue or improper use of the water supplied, or neglecting to comply with the authorised rules laid down by the company with regard to payment, &c.

The "Metropolitan Authority" has the right to insist upon the companies doing their duty; and, the consumers have a right to recover penalties from the companies if the latter neglect or refuse to fulfil their legal obligations.

Summary of the Act.

The following is a summary of the main provisions of the Act:—

A constant supply of pure and wholesome water, laid on

[1] Substituted for the Metropolitan Board of Works by section 40 of the Local Government Act, 1888 (51 & 52 Vict., c. 41).

at sufficient pressure to reach the top storey of the houses served, may be obtained in three ways:

1. A company may, without application, propose to give a constant supply.

2. The "Metropolitan Authority" may, when it thinks a district requires a constant supply, call upon the Company to afford such supply.[1]

3. The Local Government Board[2] may, on complaint made, require the companies to give a constant supply if, on inquiry, they are of opinion that—

(*a*) The "Metropolitan Authority" refuses to make, or unreasonably delays making, application for such constant supply; or

(*b*) That by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants of such district is, or is likely to be, prejudicially affected.

Provision of Proper Fittings.

But the water companies are not, in any case, bound to set to work, if they can show that within two months after they have received the requisition for a constant supply, one-fifth of the premises in the district which it is intended to serve are not provided with the prescribed fittings.[3]

It therefore becomes essential that such fittings should be provided, and the "Metropolitan Authority" may see that the benefits of the Act are not lost on this account.

The "Authority" is empowered to give notice to the *owner* or *occupier* of any premises where the fittings are wanting or incomplete, and to call upon him to supply or to repair them.

[1] Section 8.

[2] Substituted for the Board of Trade by 38 & 39 Vict., c. 55, section 343.

[3] Section 10.

If the owner or occupier fails to do this, the "Metropolitan Authority" may do the work itself, and recover the cost from the "person liable to pay the rate for the water supplied, or on whose credit the water is supplied," or from the owner of the premises.[1]

If the expenses are recovered from the owner, the amount owing to the owner by the occupier, in the shape of rent for the premises, may be deducted from the sum the owner is called on to pay, and the occupier may be made to pay it towards the expenses of the "Authority," instead of paying it as rent to the owner.[1]

Flushing.

A question has been raised as to the adequacy of the provisions of the present regulations [2] as to the size of flushing cisterns At present a two-gallon flush is allowed ;[3] but it is contended by many that this is inadequate, and it is, we believe, proposed by the County Council to apply to have the regulations altered so that a three-gallon flush may be prescribed.

A special committee of very competent experts was lately appointed by the Sanitary Institute to make a series of experiments on the effect of the orthodox two-gallon flush in clearing the drains. It has reported that the result of a large number of experiments has been to establish the fact that, with a two-gallon flush, an average of 25 per cent. of matter which ought to be carried at once to the sewer is left in the house-drain, not, of course, permanently, or it would choke the drain very soon; it is moved on, more or less, by the next flush, which in turn leaves its own 25 per cent. in the drain; but the result, on an average of about 600 experiments, is to show that with a two-gallon flush the drain is left in a permanently foul condition. As the majority of house-drains in London unavoidably run under the houses, it must be obvious, even to the most insanitary intellect, what a serious matter this is.

[1] Section 10.
[2] *Vide infra*, p. 161.
[3] *Vide infra*, p. 165 ; regulation 21.

Supply in Courts, Passages, &c.

One point, with regard to a constant supply, must not be overlooked. Section 14 expressly provides for cases "where a group of dwelling-houses are situate in a court or passage, or otherwise in contiguity or close neighbourhood one to another." With regard to courts of this description, it is specially provided that—

"If it appears to the Local Government Board, on the report of the Nuisance Authority, that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a *standpipe* or other apparatus placed outside the dwelling-houses, the Local Government Board may from time to time make an order to the effect that such group or number of dwelling-houses *may be so supplied*, and shall serve the same on the company within whose water limits the dwelling-houses are situate."

Penalty on Company.

Companies which violate, refuse, or neglect to comply with the requirements of the Act, as to the provision and maintenance of a constant supply, are liable to a penalty not exceeding £200, and a further penalty not exceeding £100 for every month during which such violation, refusal, or neglect to comply continues after they have received notice in writing from the Local Government Board to discontinue the same.[1] And companies are also liable to penalties under prior Water Acts for a short supply, unless they are prevented by frost, drought, or other unavoidable cause or accident, such as the bursting of a main. An attempt was made to punish the East London Company for giving a short supply to the industrial dwellings in the summer of 1893, but the High Court held that the drought and the increased consumption of water, due to the very hot summer, excused the company.

[1] Section 16.

Remedy of the Companies against Consumers.

On the other hand, the companies have special remedies against consumers who make an improper use of the facilities afforded them, or who refuse to pay for the water-supply.

For this purpose the companies have to make regulations for the purpose of preventing the waste or misuse of water, for the construction of earth-pipes, taps, cisterns, &c., and the manner of using them, and for preventing undue consumption or contamination of water.[1]

The companies have made these regulations (*vide infra*, p. 161).

These regulations must be approved by the Local Government Board, and must be duly published and shown to any person interested. Penalties not exceeding £5 may be imposed by these regulations, and the amount is recoverable summarily before a police magistrate.[2]

Regulations were made in 1871 by all the companies, and were confirmed by the Board of Trade after hearing the objections of the Metropolitan Authorities. They are still in force, and are printed *infra*, p. 161.

The companies have a further and very effectual means of bringing offenders to book, for in section 32 of the Act of 1852 they are empowered to cut off the water from the premises of any consumer who "does, or causes, or permits to be done, anything in contravention of any provisions of the Act, or wrongfully fails to do anything which under any of these provisions ought to be done for prevention of the waste, misuse, undue consumption, or contamination of the water of such company." And they may refuse to supply the offender with water as long as the offence continues.

But, if the company do cut off the supply of water to any inhabited dwelling-house, they are bound within twenty-four hours to give notice in writing to the local

[1] Section 26 of Act of 1852, 15 & 16 Vict., c. 84 (section 17 of Act of 1871).

[2] Sections 20 and 45 of Act of 1871.

sanitary authority (*i.e., the vestry or district board*), that they have done so.[1]

Formerly, where the owner of a house failed to pay the rate for water supplied, it was lawful for the company to cut off the water of such house. This power, having regard to the hardships it inflicted on poor tenants, has now been happily abrogated; for by an Act passed in 1887, entitled the Water Companies (Regulation of Powers) Act, it is enacted that, where the owner and not the occupier is liable by law,[2] or by agreement with the water company, to the payment of the water-rate in respect of any dwelling-house, or part of a dwelling-house, occupied as a separate tenement, no water company shall cut off the water-supply for non-payment of the water-rate ; but such water-rate, without prejudice to the other remedies of the company for enforcing payment thereof from such owner, shall, together with interest thereon at the rate of five per cent. per annum, computed from the expiration of one month from the time when the same has been claimed by the company until receipt thereof by the company, be a charge on such dwelling-house in priority to all other charges affecting the premises, and the amount may be recovered with the costs incurred from the owner or from the occupier for the time being, in the same manner as water-rates may by law be recovered, provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him, or which shall have accrued due from him, since such notice shall have been given or left by the water company; and every occupier shall deduct the amount he pays the water company from the rent payable by him to his landlord.[3]

This does not affect the right of the companies to cut off the supply for waste, or misuse, or in order to make necessary repairs.[4]

In the event of discontinuance of water-supply without lawful authority, the person responsible, whether water

[1] Water Act, 1871, section 32; Public Health Act, 1891, section 49.

[2] *See* Waterworks Clauses Act, 1847, section 72, and the special Acts of the companies.

[3] 50 Vict., c. 21, section 4.

[4] Water Act, 1852, section 25.

company or not, is liable to a penalty of £10;[1] and litigation is now pending on the question whether the water companies are, in case of drought or difficulty of supply, excused from this liability.

The East London Water Company has now signified its intention of not using the remedy by cutting off the water in any case of domestic supply: and of resorting instead to the alternative summary proceedings for recovering the water-rates; and the Mansion House Council, with the assistance of the Earl of Camperdown, has prepared a Bill with a view to abrogate wholly the right to cut off a domestic supply of water for non-payment of rates.

Constant Supply.

Where a company is about to provide a constant supply for any district, they may give notice to the owners and occupiers of premises within the district of their intention, and may call upon them to provide proper fittings. And, in default of the owner or occupier doing the work, they may do it themselves and charge the owner or occupier, or the person liable to pay the water-rate, in the same manner as that described above in the case of the "Metropolitan Authority" (*see* p. 59).[2]

The officers of the company may at any reasonable time enter any premises within the district for the purpose of discovering whether the fittings are sufficient and in proper order.[3]

All disputes as to whether the fittings are, or are not, sufficient are to be settled summarily by a magistrate, whose decision is final.[4]

Want of proper Supply a "Nuisance."

An occupied house which has not a proper and sufficient supply of water is liable to be dealt with summarily as a nuisance under the Public Health Act of 1891,[5] and, if

[1] Public Health Act, 1891, section 41 (1 *c*).
[2] Section 29.
[3] Section 30.
[4] Section 31.
[5] Section 48 (1).

it is a dwelling-house, is to be deemed unfit for human habitation, and may be closed by a closing order until the supply is given.[1] In the case of common lodging-houses, the police may also strike the house off the register.[2]

When a house is newly-built, or pulled down to the ground floor and rebuilt after 5 August, 1891, it may not be occupied as a dwelling-house until a certificate has been obtained from the sanitary authority that the house has a proper and sufficient supply of water.[3] The supply need not necessarily be from a water company. Some flats are supplied from artesian wells.

Want of proper Fittings a "Nuisance."

"The absence in respect of any premises of the prescribed fittings (*i.e.*, for constant supply), after the prescribed time (*i.e.*, the time limited in the company's notice) *is a nuisance* within the Public Health (London) Act, 1891.[4] That nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises *unfit for human habitation* within that Act, unless and until the contrary is shown to the satisfaction of the justices acting under that section."[5]

Bearing in mind this section, let the reader refer back to the chapter on the Public Health Act, and it will at once be seen that an opening is given for private individuals to take steps to enforce the provisions of the Water Act, 1871, even though they themselves be not actual sufferers from the neglect or default of others.[6] But the law needs extension with respect to water fittings, so as to enable the local authorities to insist on their being placed out of reach of frost, and so as to prevent the utterly needless misery caused in cold weather by the present position of most water-pipes.

[1] Section 5 (6 & 7).
[2] *Vide infra*, p. 65.
[3] Section 48 (2).
[4] 54 and 55 Vict., c. 76, section 2, and schedule.
[5] Water Act, 1871, section 33.
[6] *See* p. 29.

Power of Parish to supply Water.

By section 27 of the Water Act of 1852[1] a power was given to the parish authorities which, at least in London, was never made use of.

Shortly stated, the effect of the section was to give power to the churchwardens and overseers of the poor in any parish to apply to the vestry for leave to furnish a supply of water to improperly supplied houses where such a supply can be given at a rate not exceeding threepence per week, and the owner of the house or houses may be compelled to receive the supply, and to pay the cost, not exceeding threepence per week, to the water companies. But this section was repealed by section 5 of the Act of 1871, and no corresponding provision was re-enacted.

There is a provision in section 6 of the Common Lodging-Houses Acts of 1853 (16 & 17 Vict., c. 41), which enables the police, or the local authority, to require the owner to put in a proper supply of water, and to take the house off the register if it is not given; but this does not authorise the cost of supply to be charged on the rates.

[1] 15 & 16 Vict., c. 84.

PART II.

THE HOUSING OF THE WORKING-CLASSES ACT, 1890.

CHAPTER V.

PULLING DOWN AND REBUILDING.

THE previous chapters were devoted to the different ways in which the healthiness of existing dwellings can be ensured, by removing nuisances, and preventing their occurrence. There are, however, many cases in which no patching or altering of existing premises is of any use, and where the only hope of doing permanent good lies in destroying altogether the buildings which give cause for complaint. There are several methods by which this work of destruction may be carried out with the help of the law; but, before going into them in detail, it will be well to say a word or two upon the general question of pulling down, and the consequences which it involves. It will, then, be seen that pulling down always involves building up, and that it is of no use to set to work upon the one until we have made up our minds about the other. Parliament has seen this so clearly that in every law which it has passed for many years allowing the destruction of inhabited houses, it has tried to make some provision for the rehousing of the people who have been dispossessed by its authority. It is, therefore, quite impossible to deal with the laws concerning the destruction of unhealthy dwellings without referring to the question of rehousing, to which they always refer. The comparative failure of the earlier statutes to do much good in this direction does not prove that the law as it stands is of no value. On the contrary, inasmuch as the provisions of the new Act are intended to greatly facilitate the accommodation of persons dispossessed from their homes, there is good reason to hope that the present arrangements may stand the test of actual working.

Thus far only one scheme under the Act has been prepared in London, that with reference to Boundary Street in Bethnal Green. It has not yet proceeded far enough to

prove what can be done under the Act; for, being an experiment, progress has been slow, and various delays have occurred.

Compensation.

One other important question arises directly out of the destruction of existing dwellings. It is that of compensation. A slight knowledge of the law on this subject is essential to persons anxious to aid in carrying out schemes of demolition. In the first place, a great amount of good work has been stopped, or seriously interfered with, in the past, owing to the necessity for compensating owners of unhealthy areas on too liberal a scale. In the second place, there must always be considerable reluctance to undertake a work of this kind on a large scale as long as no fair estimate can be made of its probable cost. The law as to compensation has also been greatly improved by the new Act,[1] and there is every reason to believe that the alterations will greatly favour the extension of what are called improvement schemes.

The Act of 1890.[2]

This Act is divided into seven parts, and deals with the demolition of unhealthy houses and the construction of improved dwellings, thus:

Part I. provides for the clearing of unhealthy sites on a large scale, and the erection on the same, or on a part thereof, of dwellings for the working classes. [*See* Chapter VI.]

Part II. provides for the improvement, closing, or demolition of dwelling-houses unfit for human habitation, and the building and maintenance of better buildings in place of them; for the clearing and improvement of small unhealthy areas which cannot be dealt with under Part I.; and lastly, for the removal of "obstructive buildings."[3] [*See* Chapter VII.]

[1] *See* p. 93.

[2] This Act (53 & 54 Vict., c. 70) consolidates the three series of Acts known respectively as Lord Shaftesbury's, Torrens', and Cross' Acts, which are by it repealed.

[3] Page 84.

Part III. provides for the establishment and keeping up of lodging-houses for the working classes. [*See* Chapter VIII.]

Parts IV. and VII. contain supplementary provisions relating to the other parts; while Parts V. and VI. refer to Scotland and Ireland.

[*Note.*—It is well to mention here that the Metropolitan Street Improvement Acts, though not primarily concerned with the improvement of unhealthy dwellings, contain some valuable provisions bearing upon the subject.

Again, there is another class of Acts which, although they are intended to secure a wholly different object, are still worthy of careful attention, on account of the provisions which Parliament has compelled their promoters to insert in them for the purpose of protecting persons turned out of their homes.

These are the various railway and other private Acts containing powers to take and demolish existing dwellings for the purposes of a commercial undertaking.

These Acts are of a special character, and will therefore be dealt with in a separate chapter,[1] though their existence must not be forgotten in connection with the question of demolition and reconstruction.]

[1] *See* p. 103.

CHAPTER VI.

PART I. OF THE ACT OF 1890,

DEALING WITH

LARGE UNHEALTHY AREAS.

THIS part of the Act can be put into force in the City of London by the Commissioners of Sewers, and in the rest of the metropolis by the County Council,[1] and it enables them to deal with large unhealthy areas when the existence of the same is brought to their notice.

The person upon whom the duty first falls to bring such areas to their notice is their own medical officer of health; but any medical officer of health in London may so act whenever he sees cause to do so.[2]

Duty of Medical Officer.

He must, when he sees cause to do so (*i.e.*, when he finds that, within an area under the jurisdiction of the local authority there are "any houses, courts, or alleys unfit for human habitation; or that the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses, or groups of houses, within such area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area, or of the neighbouring buildings; and that the evils connected with such houses, courts, or alleys, and the sanitary defects in such area, cannot be effectually remedied otherwise than by an improvement scheme for the rearrangement and recon-

[1] Referred to throughout this chapter as "the local authority," except where otherwise stated.

[2] Section 5.

struction of the streets and houses within such area, or of some of such streets or houses") make an official representation to the local authority that such is the case, and they must then "take such representation into their consideration, and, if satisfied of the truth thereof and of the sufficiency of their resources, shall pass a resolution to the effect that such an area is *an unhealthy area*, and that an *improvement scheme ought to be made* in respect of such an area, and after passing such resolution they shall forthwith proceed to make a scheme for the improvement of such area.[1]

Meaning of "Official Representation."

An official representation means a "representation made to the local authority by the medical officer of health of that authority and in London made either by such officer *or by any medical officer of health in London*,"[2] and must be in writing.[3]

Powers of Justices and of Ratepayers.

But the medical officer is not the only person who can start the machine. The initiative can come from two other sources, viz.:—

1. Two justices of the peace acting within the jurisdiction for which the medical officer is appointed.

2. Twelve or more persons liable to be rated to the local rate.

Either the two justices or the twelve or more ratepayers referred to may complain to the medical officer of the unhealthiness of the area, and it then becomes the duty of the medical officer to inspect such area, and to make an official representation stating the facts of the case, and

[1] Section 4.

[2] Section 5. By Section 78 anything authorised or required to be done by or to a medical officer of health may be done by or to any person authorised to act temporarily as such medical officers of health. *See* section 26 as to appointment of the substitute.

[3] Section 79.

whether, in his opinion, the area or any part thereof is an unhealthy one or not.[1]

Duty of Local Authority.

Where the local authority is satisfied by the report of a medical officer that the area in question is such as to require dealing with, it is their duty, if they have sufficient resources, to act upon it and to frame what is called an improvement scheme.[2]

If the official representation relates to not more than ten houses, the London County Council must direct that the area be dealt with under Part II. of the Act;[3] and in all cases where they consider that the area should be so dealt with they may submit their resolution to that effect to the Home Secretary, to decide whether the area shall be so dealt with or not as seems to him just.[4]

The Improvement Scheme.

This scheme is to be accompanied by maps, particulars, and estimates. It may include the whole or part of the area or any neighbouring lands. It may provide for widening any existing approaches to the unhealthy area, and for opening out the same for the purposes of ventilation or health. It *must* provide for rehousing the working classes displaced by its execution, and for proper sanitary arrangements. It must distinguish the lands proposed to be taken compulsorily. It may provide for its being carried out by ground landlords.[5]

It may also include any number of unhealthy areas.[6]

When the scheme is drawn up, the next step is to publish it by advertisement and then give notice of the fact to the persons likely to be affected, that is to say, the owner, reputed owner, lessee or reputed lessee, and occupier of

[1] Section 5. As to how the complaining ratepayers can act when they are dissatisfied with the action or inaction of the medical officers, *see* p. 77.

[2] Section 4.

[3] Section 72.

[4] Section 73.

[5] Section 6.

[6] Section 4.

any lands which are to be taken compulsorily. The manner of issuing, posting, and serving the notices will be found in Section 7 of the Act.

Petition to the Home Secretary.

Section 8 directs that the local authority, after the scheme has been framed and the advertisements and notices issued, shall present a petition to the Home Secretary (called in the Act the confirming authority), who will, if he approve of the scheme, issue a "provisional order" for its being carried out, subject, however, to any conditions or modifications of it he may think fit to make. This provisional order must then be served by the local authority upon all the interested persons named above, with the exception of tenants for a month or less. The last step is for the Home Secretary to bring a Bill into Parliament to give the provisional order the form of law. This done, the local authority may set to work to carry out their scheme. If the local authority wish subsequently to modify it in any particular, they must proceed as laid down in section 15 of the Act.

Carrying out of Scheme.

To carry out the object of the Act, namely, to secure the erection of suitable dwellings for the working classes, the local authority are required to proceed as soon as possible. They are to purchase the land required for the scheme,[1] and may also purchase lands for improving or adding to an area included in the scheme.[2]

1. Sell or let any part of it to purchasers or lessees, under an undertaking to carry out the scheme.

2. Agree with any body of trustees, society, or person, to carry out the scheme upon such terms as the local authority think expedient.

[1] As to how purchases can be effected *see* sections 20, 22, and Schedule II.

[2] London Council General Powers Act, 1890 (53 & 54 Vict., c. ccxliii., section 25).

3. *With the express approval of the Home Secretary,* carry out the scheme, and erect the necessary dwellings themselves. But, where they do so, they must sell the dwellings within ten years of the date of the completion of the scheme,[1] unless the Home Secretary otherwise determine.

Notices Required.

One special point with regard to notices is important; it is contained in section 14, which runs as follows: "The local authority shall, not less than thirteen weeks before taking any fifteen houses or more, make known their intention to take the same by placards, handbills, or other general notices placed in public view upon or within a reasonable distance of such houses, and the local authority shall not take such houses until they have obtained a certificate of a justice of the peace that it has been proved to his satisfaction that the local authority have made known, in manner required by this section, their intention to take such houses."

Compensation to Tenants.

Where a building, or any part of a building, is purchased under a scheme the local authority may pay a reasonable amount to occupying tenants, whose contract of tenancy is for less than a year, and who are obliged to quit, on account of their expenses of removal.[2]

Money to carry out the Act.

The local authority may borrow money for the purposes of the Act on the security of the local rate, or from the Public Works Loan Commissioners.[3]

Money may also be paid out of the rates for the improvement of the houses built, if the amount received from tenants, &c., is not sufficient to cover expenses.[4]

The London County Council may also, with the assent of the Treasury, raise Consolidated Stock, while the Commissioners of Sewers may raise money by mortgaging the local rates.[3]

[1] Section 12. [2] Section 78. [3] Section 25. [4] Section 24.

Default by Local Authority.

If the local authority fail to do their duty, and upon a representation being made, neglect or refuse to draw up a scheme, the Home Secretary may order an inquiry to be made into the cause of their inaction, and may frame a report of the case for his own use.[1]

Or, if in the case where twelve ratepayers have made a complaint to the medical officer of the unhealthiness of any area, he has neglected or declined to make an official representation, or has represented that the area is not an unhealthy one, the twelve ratepayers may then themselves, on giving security for costs, appeal over the head of the medical officer to the Home Secretary, who may then order a local inquiry to be made.[2]

And, moreover, if the local authority actually clears land for the purpose of erecting artisans' dwellings, but allows it to remain more than five years without having made arrangement for carrying out the scheme, the Home Secretary may sell the land and arrange with the purchasers to carry out the authorised scheme upon it.[3]

Rehousing.

The general rule is that *in London* every improvement scheme must provide for the accommodation of at least as many persons of the working classes as are displaced by its execution in suitable dwellings, which, unless there are special reasons to the contrary, must be situate within the limits of the area affected by the scheme or in the vicinity thereof.

But, with the consent of the Home Secretary, this condition can be dispensed with, and the dishoused population, or a portion of it, may be rehoused elsewhere, but only when the required accommodation has already been, or is about to be, provided. In many parts of London no scheme could be effective which allowed rehousing on the same site.

[1] Section 10.
[2] Section 16. As to the local inquiry *see* sections 17-19.
[3] Section 13.

Further, upon the application of the local authority to the Home Secretary, and on a report being made by the officer directed by him to conduct the local inquiry, that it is expedient, having regard to the special circumstances of the locality and to the number of artisans and others belonging to the working class dwelling within the area and being employed within a mile thereof, that a modification should be made in the scheme, he may dispense, in the provisional order authorising the scheme, altogether with the obligation of the local authority to provide for the accommodation of the persons of the working class who may be displaced by it, to such extent as he may think expedient, having regard to such special circumstances as aforesaid, but not exceeding *one-half* of the persons so displaced.[1]

For the purpose of providing the required accommodation the local authority may appropriate any suitable lands belonging to them or may purchase any such lands.[2]

[1] Section 11. [2] Section 23.

CHAPTER VII.

PART II. OF THE ACT OF 1890,

DEALING WITH

SMALL UNHEALTHY AREAS, UNHEALTHY DWELLINGS, AND OBSTRUCTIVE BUILDINGS.

Its Purpose.

THIS part of the Act can be put into force in London by the following local authorities: (1) The Commissioners of Sewers in the City; and (2) The Vestries, District Boards, and the Local Board of Woolwich in the rest of the metropolis. The County Council is not the local authority for the purposes of Part II., but have power (1) to replace or act instead of a defaulting local authority;[1] (2) to act on its own account on the application of a local authority or otherwise;[2] and (3) to act concurrently with the vestries.[3] It enables these authorities to get unhealthy dwellings[4] repaired or demolished, to deal with small areas occupied by unhealthy dwellings which cannot be dealt with under Part I. of the Act (as to which *see* p. 72), and to remove any buildngs, not in themselves unfit for human habitation, which may obstruct the desired improvement being carried out.

Duty of Local Authority.

They must cause to be made, from time to time, an inspection of their district, with a view to ascertain whether

[1] Section 45. [2] Section 46 (5). [3] Section 46 (7).
[4] Such dwellings must be in such a sanitary state as to be unfit for human habitation (sections 30, 31).

any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation.[1]

HOW THE LAW IS SET IN MOTION.

(*I.*) *Duty of Medical Officer.*

1. *As regards unhealthy dwellings*, it is the duty of the medical officer of health of every district to represent, *in writing*, to the local authority of that district, any dwelling-house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation.[2]

2. *As regards obstructive buildings*, if a medical officer of health finds that any building within his district, although not in itself unfit for human habitation, is so situate that, by reason of its proximity to, or contact with, any other buildings it causes one of the following effects, that is to say: (1) It stops ventilation or otherwise makes, or conduces to make, such other buildings to be in a condition unfit for human habitation, or dangerous or injurious to health; or (2) it prevents proper measures from being carried into effect for remedying any nuisance injurious to health, or other evils complained of in respect of such other buildings; in any such case the medical officer of health shall represent the same in writing to the local authority, stating that, in his opinion, the building should be pulled down;[3] and then comes the operative part of the Act, with which we deal later on (*see* p. 85).

[*Note.*—By section 52 the medical officers of health of the County Council may make the representation to vestries and local boards, and they are bound to act upon it just as if it were made to them by their own medical officers.]

(*II.*) *Powers of Householders and Others.*

But, as under Part I. of the Act, the medical officer is not the only person who can set this part of it in motion. For the initiative may be taken by any four or more

[1] Section 32 (1). [2] Sections 30, 79 (2). [3] Sections 38, 79 (2 .

householders living in the immediate neighbourhood of the unhealthy or obstructive buildings.

In the case of any unhealthy dwellings, they must complain in writing to the medical officer of health of the district, and it then becomes the duty of the latter to inspect it; and, if he is of the opinion that it falls within the Act, he must make a representation to that effect in writing to the local authority.[1]

In the case of an obstructive building, they may represent the existence of the same directly to the local authority.[2]

Further, the local authority may act upon any information given to them as to the existence of unhealthy dwellings, no matter from what source it comes.[3]

Again, they may act upon the representation of any of their officers[4].

METHOD OF PROCEDURE.

(A) AS TO UNHEALTHY DWELLINGS.

When the existence of any dwelling-house, unfit for human habitation, has been brought to the notice of the local authority, they must at once proceed to take action in the matter. This they do by serving a notice on the owner or occupier[5] of the house (drawn up in the form set out in the fourth schedule to the Act, or in a form to the like effect) to make it fit for human habitation. This notice may be served with "the express purpose of causing the dwelling-house to be closed, whether the same be occupied or not." And the local authority may then proceed to get a closing order.

[1] Section 31 (1).

[2] Section 38 (2). As to how the householder can act when their representation is disregarded, *see* p. 77.

[3] Section 32 (1).

[4] *Ib.*

[5] Where there is no occupier, or where the nuisance making the dwelling unfit for human habitation arises from the want, or defective construction, of any structural convenience, the notice must be served on the owner. (*See* Schedule III.)

I. Closing Order.

This order is obtained by a summons (in the form set out in the fourth schedule) to the owner or occupier to appear at the petty sessions to answer the complaint made against him; and if the court consider it proved, they may make an order prohibiting the use of the dwelling-house until it is made fit for human habitation, and, in addition, they may impose a penalty not exceeding £20.[1]

II. Appeal from Closing Order.

The owner or occupier may appeal to Quarter Sessions against the closing order.[2] The time for appealing, and the procedure on the appeal, are now regulated by section 31 of the Summary Jurisdiction Act, 1879, and by the Public Health (London) Act, 1891.[3]

III. Notice to Occupying Tenants.

When the closing order has been made, the local authority must give notice of it to every occupying tenant of the condemned dwelling-house, who, with his or her family must, within seven days after service of the notice, turn out of it, incurring a penalty not exceeding £1 a day for every day he or she stays there after the expiration of that time.[4]

IV. Compensation to Occupying Tenants.

Every occupying tenant so turned out is entitled to the reasonable expense of his removal to other premises, the amount he or she is to receive being stated in the closing order. The local authority has to pay this compensation in the first instance, recovering it as a civil debt (enforceable by summons) from the owner.[4]

V. Effect of Compliance with Closing Order.

Where the dwelling-house has been made fit for human habitation in compliance with the closing order, applica-

[1] Section 32.
[2] Sections 5, 6, 125.
[3] Act of 1890, section 35.
[4] Section 32 (3).

tion must be made to the court which made the order to declare that the house has been made habitable, and they may make an order to that effect, from the date of which other order the house may again be let or inhabited.[1]

VI. Effect of Non-Compliance with Closing Order.

If the local authority think the closing order has not been complied with, and that due diligence has not been taken to comply with it, and *that the continuance of the dwelling-house, or any part of it, is dangerous or injurious to the health of the inhabitants of the neighbouring dwelling-houses,* they must pass a resolution that it is expedient to order its demolition.

The owner must be given notice of this resolution, and of the time (not less than one month after service of the notice) and place appointed to consider it further, so that he may be able to attend and state his objections to the demolition. If the local authority, upon such further consideration, adhere to their opinion, then—unless the owner undertakes to execute *forthwith* the necessary works—they must order the demolition of the building; and, if he undertakes to execute them, the local authority may order their execution within a specified reasonable time, and such time may be extended; but, if they are not so executed, the local authority must order the demolition of the building.[2]

VII. Order for Demolition.

Where an order for the demolition has been made by the local authority, the owner must, within three months after service of it, proceed to execute the work; and, if he fails to do so, the local authority may execute it, recouping themselves for their expenses in the matter by a sale of the materials of the building. After the demolition of any building, no erection or building dangerous or injurious to health may be erected on the site of it.[3]

If a closing order is neither successfully appealed against nor complied with, the magistrates cannot in any

[1] Schedule III. [2] Section 33. [3] Section 34.

way interfere with the proceedings of the local authority under a demolition order.[1]

VIII. Appeals Against Orders of Local Authority.

Any person aggrieved by any order of the local authority, may appeal against the same to a Court of Quarter Sessions subject to section 31 of the Summary Jurisdiction Act, 1879, provided that notice of such appeal may be given within one month after notice of such order has been served on such person. Further, the court, on the request of either party to the appeal, must state a case for the determination of the Supreme Court.[2]

IX. Charging Order.

Where an owner[3] has complied with the order of the local authority by completing the works he is required to do to any dwelling-house, he may apply to them for a charging order, charging on it an annuity to repay his expenses.[4]

(B) AS TO OBSTRUCTIVE BUILDINGS.

The local authority, when informed of the existence of an obstructive[5] building, either through a representation made to them by a medical officer of health, or by four or more inhabitant householders (*see* p. 80), must get a report made to them as to "the circumstances of the building, and the cost of pulling down the building and acquiring the land." After receiving the report, if they decide to act upon it, they must cause a copy both of the representation and of the report to be given to the owner of the lands on which the building stands, together with a notice of a time and place when they will take the matter into consideration, so as to give the owner an opportunity to attend and state his objections to what is proposed to be done. If the objections of the owner are disallowed, they must order the demolition of the obstructive building.[6]

[1] R. *v.* De Rutzen (9 *Times* L. R., 41).
[2] Section 35.
[3] Defined in section 29.
[4] *See* sections 36 and 37.
[5] Defined *supra*, p. 80.
[6] Section 38 (3).

The owner may appeal against their order in the way mentioned above. (*See* p. 82.)

Occupying tenants, whose contract of tenancy is for less than a year, and who are obliged to quit owing to the demolition of the building, may be allowed the reasonable expenses of their removal by the local authority.[1]

I. Purchase of Lands Occupied by Obstructive Buildings.

The local authority may, within one year after the date of their order, or of its confirmation if appealed against, purchase compulsorily the land on which an obstructive building is erected, and the provisions of the Lands Clauses Acts relating to the purchase and taking of lands otherwise than by agreement (subject, however, to the provisions of this part of the Act) apply accordingly.[2]

They must give notice to the owner of the lands of their intention to purchase them, and the latter may, within one month after such notice, "declare that he desires to retain the site of the obstructive building, and undertake either to pull down, or to permit the local authority to pull down, the obstructive building; and, in such case, the owner shall retain the site, and shall receive compensation from the local authority for the pulling down of the obstructive building.[3]

(As to the compensation *see* p. 93.)

Where the owner so retains the site, he must not erect any building dangerous or injurious to health upon it, or which will be again obstructive.[4]

II. How Lands so Purchased may be Dealt With.

After pulling down the obstructive building, or so much of it as is obstructive, it is the duty of the local authority to keep as an open space the whole site, or such part of it as may be required to be kept open, for the purpose of

[1] Section 78.

[2] Section 38 (4). *See* Cripps on Compensation (3rd Edition), p. 345.

[3] Section 38 (5).

[4] Section 38 (10).

remedying the obstruction; but they may sell, with the assent of the Home Secretary, any part of it which is not required for the improvement.[1]

They may also dedicate any land acquired by them for the demolition of obstructive buildings as a highway or other public place.[2]

Rights of Owners.

It is possible that, by the negligence of an occupier or owner of any condemned building to comply with either the closing order or any order of the local authority, the rights of some other owner of the premises may be injured. The Act provides for such cases by enabling any owner to comply with the orders. And if any owner of such premises is not in receipt of the rents and profits thereof, he may give notice of such ownership to the local authority, who are then bound to give him notice of all proceedings taken by them under this part of the Act.[3]

Scheme for Reconstruction.

We have just shown how land, after the obstructive building standing upon it has been pulled down, may be used; but the Act goes further, and provides (section 39) that "In any of the following cases, that is to say—(*a*) where an order for the demolition of a building has been made in pursuance of this part of the Act, and it appears to the local authority that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses if the area of the dwelling-house of which such building forms part were used for all or any of the following purposes, that is to say, either—(i.) dedicated as a highway or open space; or (ii.) appropriated, sold or let for the erection of dwellings for the working classes; or (iii.) exchanged with other neighbouring land which is more suitable for the erection of such dwellings, and on exchange will be appropriated, sold or let, for such erection. Or (*b*) where it appears to the local authority that the closeness, narrowness, and bad arrangement or bad con-

[1] Sections 38 (11) and 46 (4) [2] Section 38 (12). [3] Section 47.

dition of any buildings, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defect in any buildings is dangerous or prejudicial to the health of the inhabitants, either of the said buildings or of the neighbouring buildings, and that the demolition or the reconstruction and rearrangement of the said buildings or some of them is necessary to remedy the said evils, and that the area comprising those buildings and the yards, outhouses, and appurtenances thereof, and the site thereof is too small to be dealt with as an unhealthy area under Part I. of this Act, *the local authority shall pass a resolution to the above effect, and direct a scheme to be prepared for the improvement of the said area.*"[1]

The usual notices must be published[2] (as to which *see* section 7), and the scheme must be sanctioned by the Local Government Board,[3] who may require the insertion in it of provisions for the dwelling accommodation of the working classes displaced by the scheme.[4]

If the lands are purchased by agreement, the order of the Board sanctioning the scheme takes effect at once, but if any of the lands have to be bought compulsorily, the order requires to that extent to be confirmed by Parliament and must be published by the local authority inserting a notice in the *London Gazette*.

If after such publication two months elapse without any owner petitioning against the confirmation of the scheme, or if a petition presented against it has been dropped, the order thereupon comes into operation and has the effect of an Act of Parliament.[5]

The order may incorporate the provisions of the Land Clauses Act, and the compensation to be given is in cases of dispute to be settled by arbitration.[6]

The scheme may be modified in its details with the consent of the Local Government Board, and the provisions with regard to this will be found in section 39, sub-section 9.

Further, the London County Council may act under section 39, either when exercising the powers of a vestry

[1] Section 39 (1).
[2] Section 39 (2).
[3] Section 39 (3).
[4] Section 40.
[5] Section 39 (4, 5, and 6).
[6] Section 39 (7).

or district board under section 45 (*see* p. 19), or upon the representation of a vestry or district board or otherwise that it should carry out a scheme for reconstruction. The Home Secretary decides in cases of dispute whether the whole costs of the scheme are to be paid by one of the parties, or as to how much each should contribute.[1]

Expenses and Borrowing Powers.

All expenses incurred in carrying out the provisions of this part of the Act must be defrayed out of the local rate.[2] They may also be paid by levying private improvement rates as under the Public Health Acts.[3]

The local authority may borrow money from the London County Council for the purposes of the Act.[4] They may also borrow from the Public Works Loan Commissioners for the same purposes, who may advance the money to them at a rate not less than $3\frac{1}{2}$ per cent.[5] They must every year present to the Home Secretary an account of what has been done and of all monies received and paid by them during the previous year under this part of the Act.[6]

Further the London County Council and the Commissioners of Sewers may raise the monies required for purchase money or compensation in the same way as under Part I. (*see* p. 76); while vestries and district boards may for the same purposes borrow on the security of the local rate, but only with the sanction of the London County Council.[7] The local board of health for Woolwich may borrow for the purposes of Part II. as under the Public Health Acts.[8]

Enforcement of the Act.

Lastly, there comes the important question of how the Acts may be made effectual, and how the local authority may be stirred up to do its duty. The answer will be

[1] Section 46 (5-7). [2] Section 42 (1). [3] Section 46 (1).
[4] Section 46 (3). [5] Section 43 (2).
[6] Section 44. [7] Section 46 (2).
[8] Section 46 (8); and *see* Public Health (London) Act, 1891, section 102.

found in section 45,[1] which obliges district authorities (including the local board of Woolwich) to forward a copy of every representation, complaint, or information made or given to them or to their medical officer, and also a copy of every closing order made by them, to the London County Council; and not only this, but they have from time to time to report to the Council whatever particulars the latter authority may require with regard to their proceedings upon such representation, &c.:—

Thus the County Council are empowered to interfere where any district authority neglects its duty. If they are of that opinion they may notify the same in writing to the district authority; and, if after the lapse of one month from such notice the authority fails to take any proceedings under it, the Council may pass a resolution to that effect, and thereupon the powers of that authority (save as regards reconstruction schemes, as to which *see* p. 86) become vested in them, and they may carry on the proceedings themselves, recovering any costs to which they may be put, whether as to compensation or otherwise, as a simple contract debt from the authority in default.[2]

This debt will have to be defrayed out of the local rate.[3] The County Council and its officers have the same right of admission to premises, when acting under section 45, as a district authority and its officers have under the Public Health Acts, and the right is enforceable by a justice's order.[4]

[1] This section does not apply to the Commissioners of Sewers, who, for the purposes of the Act, are independent of the London County Council.

[2] As to their original and concurrent powers, *vide ante*, p.10—16.

[3] Section 45 (3).

[4] Section 45 (4), and *see* 54 & 55 Vict., c. 76, sections 10, 100, 115.

CHAPTER VIII.

PART III. OF THE ACT OF 1890.

Its Object.

THIS part of the Act, which is intended to meet the demand for healthy lodging-houses for the working-classes,[1] may be adopted and put in force in London by the Commissioners of Sewers in the City, and by the County Council in the rest of the metropolis, who are referred to in what follows as the "local authority."

Acquisition of Land and Houses.

For the purpose of obtaining such lodging-houses, the local authority may contract either to buy or lease existing lodging-houses of the same class, or any about to be built. They may, *with the consent of the Local Government Board*, appropriate the lodging-houses so bought or leased, and also any land belonging to them, or at their disposal, to the purposes of this part of the Act.[2]

They may also, *with such consent*, sell or exchange lands vested in them for these purposes for other lands more adapted to such purposes.[3]

Further, they may buy lands for such purposes either by agreement or, *with the approval of the Home Secretary*, compulsorily.[4] Finally, they may buy existing lodging-houses, vested in trustees, if the latter are willing to sell.[5]

It is important here to note that "land" is defined to include "rights over land,"[6] such as easements.

[1] For the definition of such lodging-houses *see* p. 113.
[2] Section 57.
[3] Section 60.
[4] Section 57.
[5] Section 58.
[6] Section 93, and Interpretation Act, 1889, section 3

Powers of Local Authority after acquisition

The local authority may, on any land acquired or appropriated by them, erect any buildings suitable for lodging-houses for the working-classes, and may convert any buildings upon such land into such lodging-houses. They may alter, enlarge, repair, and improve them, and may fit up, furnish, and supply them with all requisite furniture, fittings, and conveniences.[1]

Having thus got the lodging-houses required, the loca authority have the general management, regulation, and control of them; they may determine the rents to be paid (but such rents must be "reasonable"), and make bye-laws for their management, use, and regulation.[2]

If, after seven years or more, they find the lodging-houses unnecessary or too expensive to be kept up, they may, with the consent of the Local Government Board, sell them for the best price obtainable.[3]

Money to carry out the Act.

The local authority may borrow money for the purpose of this part of the Act in the same way as they may borrow under Part I.[4] (*See* p. 76).

Powers of Companies, Societies, and Individuals.

Part III. of the Act (Section 67) also provides for dwellings for the working classes being constructed or improved by private enterprise. Thus, the Public Works Loan Commissioners have power to advance money on loan for this purpose at a rate of interest not less than £3$\frac{1}{8}$ per cent., and under the conditions laid down in the section, to the following bodies and persons:—

(*a*) To "any railway company, or dock or harbour company, or any other company, society, or association estab-

[1] Section 59.
[2] Sections 61 & 62.
[3] Section 64.
[4] Section 66.

lished for the purpose of constructing, or improving, or of facilitating or encouraging, the construction or improvement of dwellings for the working classes, or for trading or manufacturing purposes (in the course of whose business, or in the discharge of whose duties persons of the working class are employed).

(*b*) "Any private person entitled to any land for an estate in fee simple, or for any terms of years absolute whereof not less than fifty years shall for the time being remain unexpired."

Every such body may purchase, take, and hold land for that purpose.

Further, by section 68, "any railway company, or dock or harbour company, society, or association, established for trading or manufacturing purposes, in the course of whose business, or in the discharge of whose duties persons of the working class are employed, may and are hereby (*notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary*) authorised at any time to erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose, and to pay for out of any funds at their disposal), dwellings for the accommodation of all or any of the persons of the working class employed by them."

CHAPTER IX.

COMPENSATION.

THE question of compensation for the compulsory sale or alteration of existing premises does not come directly within the list of matters which can be affected by the action of private individuals. It has, however, a very important bearing upon these matters indirectly. For instance, suppose it be intended to set in motion the powers given by the Act, and to compel one or more owners to sell their property. One of the first considerations which arise will obviously be that of the price to be paid for the property taken. Until some fairly correct estimate is formed as to what will be the price paid, it is impossible to find out whether dwellings of a certain class, and let at a given rental, will pay as a commercial undertaking.

Hitherto, one of the greatest difficulties that has been found in the actual working of previous Acts has been the enormous amounts which it has been necessary to pay to owners for their property, and for the supposed loss attending a compulsory sale. It is not plain that this need have been so if the law had been rightly understood and rigidly applied; but, be that as it may, there can be no doubt that much good work was stopped by the fear of excessive compensation. It is particularly important to notice that Parliament has understood the existence of this difficulty, and has amended the law with the express purpose of getting rid of it. As the law stands now, it may be said that what justice demands the law awards. It has long been contended that no compensation is justly due to owners who have allowed their premises to fall into a condition which the proper authority has declared to be unfit for human habitation. It is not too much to say that at the present moment this is the view which the law actually takes.

Before turning to the sections which regulate the giving of compensation, it will be well to carry the memory back

to the definitions of a "nuisance," given at p. 19 and to the penalties which are imposed upon those who create such nuisances, or who allow them to continue. What the Public Health Act for London says, is that an owner who permits or promotes the existence of a nuisance thereby breaks the law. What the compensation clauses of the Housing of the Working Classes Act, 1890, say, is that no person shall receive compensation on account of property in a condition condemned by the law. For the sake of clearness it will be well to deal separately with the rules as to compensation under Part I. of the Act and those comprised in Part. II.

Compensation under Part I.

The general rule is as follows :—

"Whenever the compensation payable in respect of any lands or any interests proposed to be taken compulsorily in pursuance of this part of the Act requires to be assessed, the estimate of the value of such lands or interests shall be based upon the fair market value as estimated at the time of the valuation being made of such lands and of the several interests of such lands." [1]

Buildings erected after Notice of Scheme.

But in the estimate of the value of the said lands and interests, any addition to or improvement of the property made after the date of the publication, in pursuance of this part of the Act, of an advertisement stating the fact of the improvement scheme having been made, *shall not* (unless such addition or improvement was necessary for the maintenance of the property in a proper state of repair) *be included*, nor, in the case of any interest acquired after the said date, shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid for the lands.[2]

State of Property to be considered.

And in forming the estimate due regard is further to be had to "the nature and then condition of the property, and

[1] Section 21. [2] Section 21 (1 *b*)

the probable duration of the buildings in their existing state, and to the state of repair thereof, without any additional allowance in respect of the compulsory purchase of an area, or of any part of an area, in respect of which an official representation has been made, or of any lands included in a scheme which in the opinion of the arbitrator have been so included as falling under the description of property which may be constituted an unhealthy area under this part of the Act." [1]

"The description of property" is property which consists of any houses, courts, or alleys, reported by the medical officer to be "unfit for human habitation," or in which narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses or groups of houses within such area, or the want of light, air, ventilation, or proper conveniences, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings in the said area or of the neighbouring buildings, and the evils and sanitary defects of which houses, &c., cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and reconstruction of the streets and houses within the area, or of some of them.[2]

Deduction for existing Nuisances.

And lastly, in assessing the compensation, evidence shall be receivable by the arbitrator to prove (1) "That the rental of the house or premises was enhanced by reason of the same being used for illegal purposes or being so overcrowded as to be dangerous or injurious to the health of the inmates; or (2) that the house or premises are in such a condition as to be a nuisance within the meaning of the Acts relating to nuisances,[3] or are in a state of defective sanitation or are not in reasonably good repair; or (3) that the house or premises are unfit, and not reasonably capable of being made fit, for human habitation;" and if the arbitrator is satisfied by such evidence, then the compensation (*a*) shall in the first case, so far as it is based on rental, be based on the rental which would have been

[1] Section 21 (1 *a*). [2] Section 4. [3] *See* Chapter II.

obtainable if the house or premises were occupied for legal purposes, and only by the number of persons whom the house or premises were, under all the circumstances of the case, fitted to accommodate, without such overcrowding as is dangerous or injurious to the health of the inmates; and (*b*) shall in the second case be the amount estimated as the value of the house and premises if the nuisance had been abated, or if they had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of abating the nuisance or putting them into such condition or repair as the case may be; and (*c*) shall in the third case be the value of the land and of the materials of the buildings thereon.[1]

In short, the arbitrator in fixing the compensation must take into account "the market value" of the property in its then condition, but in arriving at what is the market value he must deduct sums for the following items:—

1. Any enhanced value given to the premises owing to its being used for illegal purposes or owing to overcrowding;
2. The bad state of repair in which the premises are; or
3. The property being itself a nuisance, or offending against the Public Health Acts.[2]

And lastly, the arbitrator is not to grant any compensation for compulsory purchase or for improvements or additions made *malâ fide* after notice has been given that the Act is going to be put in force; so that owners cannot erect buildings, as has been done before now, simply with the object of getting excessive compensation for them. But compensation is to be allowed for improvements or additions necessary for maintaining the property in a proper state of repair.[3]

The Arbitrator.

The arbitrator is appointed by the Home Office on the application of the local authority. He must, if the local authority require him to do so, from time to time make

[1] Section 21 (2). *See* Gough *v.* Liverpool Corporation 7, *Times* L. R., 581, and 8 do. 247, 343.

[2] *See* p. 19.

[3] Section 21, 16.

an award respecting a portion only of the disputed cases brought before him. His decisions are final where the award is less than £1,000. Above that there is an appeal to a jury against his decision,[1] but only by leave of the High Court, and on satisfactory proof that such appeal is necessary in the interests of justice,[2] or where he has made an error in law, or his valuation is so excessive or so low as to be obviously unjust.[3]

The form of proceedings in an arbitration under the Act will be found in the second schedule to it.

COMPENSATION UNDER PART II.

In section 41 of the Act it is enacted that in all cases in which the amount of any compensation is in pursuance of this part of the Act, to be settled by arbitration, the following provisions shall have effect, namely:—

1. "The amount of compensation shall be settled by an arbitrator to be appointed and removable by the Local Government Board."

2. "In settling the amount of any compensation (*a*) the estimate of the value of the dwelling-house shall be based on the fair market value as estimated at the time of the valuation being made of such dwelling-house, and of the several interests in such dwelling-house, due regard being had to the nature and then condition of the property, and the probable duration of the buildings in their existing state, and to the state of repair thereof, and without any additional allowance in respect of compulsory purchase; and

(*b*) The arbitrator shall have regard to, and make an allowance in respect of, any increased value which, in his opinion, will be given to other dwelling-houses of the same owner by the alteration or demolition by the local authority of any buildings.

Side by side with this clause we must also read sub-section 8 of section 38 of the Act. It refers to compensa-

[1] Schedule II.
[2] *See Ex parte* Stevenson, L. R., 1892, 1 Q. B., 394, 609.
[3] *Ex parte* Larmuth, *Times*, 27th Jan., 1894.

tion payable in respect of land, or houses without the land, which the owner has been compelled to deal with under an order for the removal of obstructive buildings, or which the local authority has purchased from him under sub-section 4 of that clause. (*See* p. 80.) The sub-section contains the following proviso:

Where, in the opinion of the arbitrator, the demolition of an obstructive building adds to the value of such other buildings as are in that behalf mentioned in this section,[1] the arbitrator shall apportion so much of the compensation to be paid for the demolition of the obstructive building as may be equal to the increase in value of the other buildings amongst such other buildings respectively, and the amount apportioned to each such other building in respect of its increase in value by reason of the demolition of such obstructive building shall be deemed to be private improvement expenses incurred by the local authority in respect of such building; and such local authority may, for the purpose of defraying such expenses, make and levy improvement rates on the occupier of such premises accordingly.

These sections must be read with great care, for they establish some very important points, which may be thus summarised:

Compensation is to be assessed upon the market value of the premises at the time of the valuation being made; but the market value is affected by two important qualifications. The arbitrator must take into account:

(*a*) *The nature and then condition of the property.*
(*b*) *The probable duration of the buildings in their existing state, and the state of repair thereof.*

Under these two heads he must receive any evidence which is tendered to prove: (1) That the rental of the dwelling-house was enhanced by its being used for illegal purposes, or by its being so overcrowded as to be dangerous or injurious to the health of the inmates; or (2) That the dwelling-house is in a state of defective sanitation, or is not in reasonably good repair; or (3) That the dwelling-

[1] *I.e.*, buildings for the improvement of which the obstructive building is destroyed.

house is unfit, and not reasonably capable of being made fit, for human habitation.

If the arbitrator is satisfied by such evidence, then the compensation (*a*) shall, in the first case, so far as it is based on rental, be based on the rental which would have been obtainable if the dwelling-house was occupied for legal purposes, and only by the number of persons whom the dwelling-house was, under all the circumstances of the case, fitted to accommodate, without such overcrowding as is dangerous or injurious to the health of the inmates; and (*b*) shall, in the second case, be the amount estimated as the value of the dwelling-house if it had been put into a sanitary condition, or into reasonably good repair, after deducting the estimated expense of putting it into such condition or repair; and (*c*) shall, in the third case, be the value of the land and of the materials of the buildings thereon.[1] Lastly (*d*), *he is to make no allowance for the compulsory purchase.*

Thus, supposing a really bad area is to be dealt with, it is not necessary to be alarmed about the overwhelming amount of compensation which it will be necessary to pay. And, as "compulsory purchase" is not to run up the amount given, it will be seen that in a really bad case the item of compensation ought to be a very small one.

This, of course, refers to areas which are reported as being "so dangerous or injurious to health as to be unfit for human habitation," and to areas dealt with by an improvement scheme under Part II. of the Act. But even the amount of compensation paid for property which is not in itself in a bad state, but which is dealt with because it is "obstructive," need not be very high, especially when we remember the provision in the Act[2] to the effect that the arbitrator, in making his award, shall take into account the increased value given by the demolition to surrounding buildings, and that the rates on such buildings may be raised in proportion to such additional value.

AN ILLUSTRATION.

For instance, if the improvement of any dwellings involves the pulling down of a large block of obstructive

[1] Section 41 (3). [2] Section 38 (8), supra, p. 98.

buildings, A., the owner of the buildings will have to be compensated, and the ratepayers will, of course, be out of pocket to the amount paid. On the other hand, however, the arbitrator may find that the pulling down of A.'s obstructive buildings enhances the value of some neighbouring property of A., or of other buildings belonging to B., C., and D. He is to say what he considers to be the amount of such enhanced value, and the improved property may then be subjected to an increased rate, whereby the ratepayers will receive back part, or it may even be the whole, of what they were compelled to pay in the shape of compensation.

THE ARBITRATOR.

The arbitrator is appointed and removable by the Local Government Board, and, although the Act is silent on the point, is probably appointed at the request of the local authority.

He may, and (if the local authority request him so to do) must, from time to time, make an award respecting a portion only of the disputed cases brought before him.

His award is final and binding on all parties.

The form of proceedings in an arbitration under the Act will be found in section 41 of the Act.

PART III.

CLEARANCES BY PRIVATE ENTERPRISE.

CHAPTER X.

RAILWAY CLEARANCES.

It has been mentioned[1] that considerable clearances of land in the metropolis are sometimes effected by private companies, and that in some cases a legal obligation is imposed upon the companies thus acting to provide for the persons displaced by them.

Unfortunately, the intentions of the law in this matter are considerably in advance of its real power for good.

Parliament, it is true, has done something towards recognising the duty of companies displacing persons under compulsory powers to provide accommodation in lieu of that destroyed, and taken steps to enforce performance of the duty.

For some years there has been a permanent standing order[2] which provides that, together with any private Bill containing powers for the compulsory displacement of any number of persons, there shall be deposited a statement as to whether any, and what, provision is made in the Bill for remedying any inconvenience likely to arise from such Bill. On inquiry at the Private Bill Office such document can be seen, and from it can be ascertained what number of houses it is intended to take, and how many persons are likely to be displaced. Further than this, all railway Bills at the present time contain a clause purporting to provide for the proper housing of persons disturbed by the operations of the railway.

No stereotyped form of clause is insisted upon by Parliament, but the most recent and probably the most satisfactory form runs as follows:

"The company shall, eight weeks at least before they take in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring

[1] *See* pp. 5, 71.

[2] House of Lords Standing Orders, 111; House of Commons Standing Orders, 184.

classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public near upon, or within a reasonable distance from, such houses, and the company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention."

And in section 26 of the same Act:

"Before taking, in any parish, fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house, the company and such other persons shall (unless the company and such other persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons, provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice. And the company may, for the purpose of proving such accommodation, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring class dwellings, and may let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section or any of them any monies they may have already raised or are authorised to raise."[1]

It is not within the scope of this Manual to go into detail as to the proceedings of railway companies in the execution of the works authorised by their special Acts; and it is sufficient to point out that Parliament usually imposes adequate conditions for rehousing or a cheap train service, and that these provisions cannot be evaded except with the assent of the persons affected.

CHEAP TRAINS.

An important Act of Parliament was passed in 1883[2] intended to encourage the running of cheap trains by the

[1] These sections are taken from the Great Northern Railway Act, 46 & 47 Vict., c. clxxv., sections 25 & 26, but similar provisions are to be found in various recent Acts.

[2] 46 & 47 Vict., c. 34.

railway companies, and thus to relieve the congested districts of the metropolis by allowing workmen to live in outlying suburbs. The material part of the Act is to the following effect:

If at any time the Board of Trade have reason to believe (*a*) that upon any railway or part of a railway, or upon any line or system of railways, whether belonging to one company or two or more companies, which forms a continuous means of communication, a due and sufficient proportion of the accommodation provided by such company or companies is not provided for passengers at *fares not exceeding one penny a mile;* or, (*b*) that upon any railway carrying passengers proper and sufficient workmen's trains are not provided for workmen going to and returning from their work at such fares and at such times between six o'clock in the evening and eight o'clock in the morning as appear to the Board of Trade to be reasonable, then, and in that case, the Board of Trade may make such inquiry as they think necessary, or may, if required by the company or any of the companies concerned, refer the matter for the decision of the Railway Commissioners.

If it is proved to the satisfaction of the Board of Trade or of the commissioners that proper workmen's trains are not provided, the Board of Trade, or the commissioners, as the case may be, may order that such proper accommodation shall be supplied at reasonable fares.

If the company does not provide the accommodation required, it may be deprived of the benefit of the Act, which in section 2 removes the passenger duty upon fares not exceeding one penny per mile.

It will thus be seen that a strong inducement is held out to railway companies to provide cheap workmen's trains.

APPENDIX.

APPENDIX.

I.

DEFINITIONS.

METROPOLIS MANAGEMENT ACT, 1855,

18 & 19 Vict., c. 120, as amended by 48 & 49 Vict., c. 33, and 50 & 51 Vict., c. 17.

1. *Metropolis.*—The City of London and the parishes and places mentioned in the schedules to this Act (practically the districts mentioned in the Tables on p. 114, amended to some extent by later Acts).

2. *Owner.*—The word "owner" shall (except for the purpose of the provisions of this Act requiring notice to be served on owners, or reputed owners, of land before application to one of Her Majesty's principal Secretaries of State for his consent to examine powers of taking land, or any right or easement in or over land compulsorily) mean the *person for the time being receiving the rack-rent of the lands or premises in connection with which* the said word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent.

3. *Street.*—The word "street" shall apply to include any highway (except the carriageway of any turnpike road) and any road, bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and a part of any such highway, road, &c.

4. *Drain.*—The word "drain" shall mean and include any drain of, and used for, the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed, and shall also include any drain for draining any group or block of houses by a combined operation under the order of any vestry or district board.

5. *Sewer.*—The word "sewer" shall mean and include sewers and drains of every description, except drains to which the word "drain," interpreted as aforesaid, applies.

METROPOLIS LOCAL MANAGEMENT ACT AMENDMENT ACT, 1862, 25 & 26 Vict., c. 102.

Definitions as above in Act of 1855.

METROPOLITAN BUILDING ACT, 1855, 18 & 19 Vict., c. 122.

6. *Public Building.*—"Public building" shall mean every building used as a church or other public place of worship, also every building used for purposes of public instruction; also every building used as a college, public hall, hospital, theatre, public concert-room, public ball-room, public lecture-room, public exhibition-room, or for any other public purposes.

7. *External Wall.*—"External wall" shall apply to every outer wall or vertical enclosure of any building not being a party wall.

8. *Party Wall.*—"Party wall" shall apply to every wall used or built in order to be used as a separation of any building from any other building with a view to the same being occupied by different persons.

9. *Owner.*—The word "owner" shall apply to every person in possession or receipt either of the whole or any part of the rents or profits of any land or tenement, or in the occupation of such land or tenement, or other than as a tenant from year to year or for any less term, or as a tenant at will.

10. *Person.*—"Person" shall include a body corporate.

11. Limits of Act same as No. 1; save that nothing in the Act is to affect the powers vested by any Act of Parliament in the Commissioners of Sewers of the City of London for the time being.

THE METROPOLITAN WATER ACT, 1871, 34 & 35 Vict., c. 113.

12. *Metropolis.*—The same as No. 1. *Person.*—The same as No. 10.

13. *Metropolitan Authority.*—The expression "Metropolitan Authority" shall mean in the places specified in the table in the schedule (A) to this Act annexed the bodies or persons named in the same table. The schedule describes the Metropolitan Authority, so far as the Metropolis proper is concerned, as follows:

Places.	*Description of Metropolitan Authority.*
The City of London and the liberties thereof.	The mayor, aldermen, and commons of the City of London.
The Metropolis except the City of London and the liberties thereof.	The London County Council.

14. *District.*—The term "district" shall mean the area selected for the purpose of constant supply, such area being within the jurisdiction of a Metropolitan Authority, and also within the water limits (*i.e.*, the limits a company is authorised to supply), and being coterminous with some one or more services of such company.

15. *Premises.*—The term "premises" shall mean and include any dwelling-house and any part of a dwelling-house, and any stable, yard, or other offices used together, or in connection with any dwelling-house or any part of a dwelling-house.

16. *Fittings.*—The term "fittings" includes communication-pipes, and also all pipes with cisterns, and other apparatus used or intended for supply of water by a company to a consumer, and for that purpose placed in or about the premises of the consumer.

17. *Owner.*—The term "owner" means the person who, for the time being, receives the rack-rent of the premises with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the premises were let at a rack-rent, and includes every successive owner from time to time of the premises, being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises.

18. *Court of Summary Jurisdiction.*—The term "court of summary jurisdiction" means and includes any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law.[1]

Note.—It is usual to apply to stipendiary magistrates in health cases: but it would appear, from a recent decision, that the unpaid justices also have jurisdiction.

Housing of the Working Classes Act, 1890, 53 & 54 Vict., c. 70.

PART I.

19. *Acts relating to Nuisances* mean as respects the County of London and City of London, the Public Health Act, 1891, and any Act amending it (*see* 54 & 55 Vict., c. 76, section 142, sub-section 7), and also any local Act which contains any provisions with respect to nuisances in that area (section 2).

[1] Interpretation Act, 1889, 52 & 53 Vict., c. 63, section 13.

PART II.

20. *Street* includes any court, alley, street, square, or row of houses.

21. *Dwelling-house* means any inhabited building, and includes any yard, garden, out-houses and appurtenances belonging thereto or usually enjoyed therewith, and includes the site of the dwelling-house so defined (section 29).

22. *Owner*.—The expression "owner," in addition to the definition given by the Lands Clauses Act,[1] includes all lessees or mortgagees of any premises required to be dealt with under this part of this Act, except persons holding or entitled to the rents and profits of such premises for a term of years, of which twenty-one years do not remain unexpired.

23. *Closing Order* means an order prohibiting the use of premises for human habitation, made under section 5 of the Public Health Act, 1891, which is by section 142 thereof substituted for the enactments set out in the third schedule in this Act (*i.e.*, the Sanitary Act, 1866, section 21, and the Nuisances Removal Act, 1855, sections 8, 12, and 13. *Ib.*)

PART III.

24. *Lodging-house for the working classes* includes separate houses or cottages for the working classes whether containing one or several tenements (section 53).

25. *Cottage* may include a garden of not more than half an acre provided that the estimated value of such garden shall not exceed £3.

THE WHOLE ACT.

26. *Person* includes any body of persons, corporate or unincorporate.[2]

27. *Land* includes messuage lands, tenements, hereditaments, houses and buildings of any tenure,[3] and includes any right over land (section 93).

28. *County of London*, except where specified, to be the administrative County of London, means the County of London exclusive of the City of London (*ib.*).

[1] The Lands Clauses Consolidation Act, 1845, 8 Vict., c. 18, Section 3, defines "owner" as any person or corporation who, under the provisions of that or a special Act, would be enabled to sell and convey lands to the promoters of the undertaking.

[2] *Ib.* section 19. [3] *Ib.* section 3.

29. *Secretary of State* means one of Her Majesty's principal Secretaries of State for the time being[1] (practically the Home Secretary). *Ib.*

30. *Ash-pit* means any ash-pit, dustbin, dust-tub or other receptacle for the deposit of ashes or refuse matter.

31. *Cistern* includes water-butt.

32. *House refuse* means ashes, cinders, breeze rubbish, night soil, and filth, but does not include trade refuse.

33. *Trade refuse* means the refuse of any trade, manufacture, or business, or of any building materials.

34. *Street refuse* means dust, dirt, rubbish, mud, road scrapings, ice, and snow.

35. *Street* includes any highway and any public bridge, and any road, lane, footway, square, court, alley, or passage.

36. *Owner* same as 2 *supra*, except the words, "lands or."

37. *Premises* includes messuages, buildings, lands, easements, and hereditaments of any tenure, whether open or enclosed, whether built on or not, and whether public or private, and whether maintained or not under statutory authority.

38. *House* includes schools and also a factory or building in which persons are employed.

39. *Sanitary authority* (section 99) means—

In the City of London, the Commissioners of Sewers.

In Woolwich, the local board of health.

In other parishes, in Schedule A of the Act of 1855, *supra*, as amended, the vestry.

In parishes within Schedule B of the same Act, the district board for the district.

In places within Schedule C of the said Act, the board of guardians.

II.

LOCAL AUTHORITY AND CONSTITUTION OF VESTRIES, &c.

PUBLIC HEALTH LONDON ACT, 1891, 54 & 55 Vict., c. 76.

The central sanitary authority for the whole county of London is the London County Council. The local authorities for each district in the county are stated below.

The local authority for the separate districts into which the metropolis is divided (exclusive of the City of London) is the vestry or district board, or local board of health.

[1] *Ib.* section 12.

A district board is a combination of two or more vestries for the purpose of exercising the powers of a local authority. Woolwich, which is within the Metropolitan area, is exceptional in its constitution, the local authority being the local board of health.

In the extra-parochial places the Public Health Act is administered by the guardians of the poor (if any), or, if there are none, by the overseers for the place or for the parish in which it lies. (54 & 55 Vict., c. 76, section 99 [*e*].)

The following table shows the division of the Metropolitan Area. It is useful as showing at a glance the district or parish in which any locality is included :—

THE CITY, PARISHES, DISTRICTS, &c.

Commissioners of Sewers: City of London.

A. *Parishes governed by Vestries :*

Battersea. (*See* 50 & 51 Vict., c. 17.)
Bermondsey.
Bethnal Green (St. Matthew).
Camberwell.
Chelsea (St. Luke's).
Clerkenwell (St. James and St. John).
Fulham. (*See* 48 & 49 Vict., c. 33.)
Hackney. (*See* 56 & 57 Vict., c. 55.)
Hammersmith. (*See* 48 & 49 Vict., c. 33.)
Hampstead (St. John).
Islington (St. Mary).
Kensington (St. Mary Abbotts).
Lambeth.
Mile End Old Town, Hamlet of.
Newington (St. Mary).
Paddington.
Plumstead. (*See* 56 & 57 Vict., c. 55)
Rotherhithe.
St. George, Hanover Square.
St. George-in-the-East.
St. George the Martyr (Southwark).
St. James, Westminster.
St. Luke, Middlesex.
St. Martin-in-the-Fields.
St. Mary-le-bone.
St. Pancras.
Shoreditch (St. Leonard).

Stoke Newington (St. Mary). (*See* 56 & 57 Vict., c. 55.)
Westminster (St. John and St. Margaret). (50 & 51 Vict., c. 17.)

B. *Districts governed by District Boards of Works:*

Greenwich District.

Greenwich.
St. Nicholas, Deptford.
St. Paul, Deptford (including Hatcham).

Holborn District.

Glasshouse Yard, Liberty of.
St. Andrew, Holborn above Bars.
St. George the Martyr.
St. Sepulchre.
Saffron Hill, Hatton Garden, Ely Rents, Ely Place.

Lee District. (*See* 56 & 57 Vict., c. 55.)

Charlton-next-Woolwich.
Eltham.
Kidbrooke.
Lee.

Lewisham District.

Lewisham (including Sydenham Chapelry).
Penge, Hamlet of.[1] (*See* 54 & 55 Vict., c. 76, section 131.)

Limehouse District.

Ratcliff, Hamlet of.
St. Anne, Limehouse.
St. John, Wapping.
St. Paul, Shadwell.

Poplar District.

All Saints, Poplar.
St. Leonard, Bromley.
St. Mary's, Stratford-le-Bow.

St. Saviour District.

Christchurch.
St. Saviour (including the Liberty of the Clink).

[1] This is in the parish of Battersea and in the Croydon Union.

Strand District.

St. Anne, Soho.
St. Clement Danes.
St. Mary-le-Strand.
St. Paul, Covent Garden.
The Rolls, Liberty of.
The Savoy, Precinct of.

St. Giles's District.

St. George, Bloomsbury.
St. Giles-in-the-Fields.

St. Olave District.

St. John, Horsleydown.
St. Olave.
St. Thomas, Southwark.

Wandsworth District. (*See* 50 & 51 Vict., c. 17.)

Clapham.
Putney (including Rochampton).
Streatham.
Tooting Graveney.
Wandsworth.

Whitechapel District.

Christchurch, Spitalfields.
District of the Tower.
Holy Trinity, Minories.
Mile End New Town, Hamlet of.
Norton Folgate, Liberty of.
Old Artillery Ground.
Precinct of St. Catherine.
St. Botolph-without-Aldgate.
Whitechapel (St. Mary).

District governed by a Local Board of Health.

Woolwich. (*See* 54 & 55 Vict., c. 76, sections 99, 102.)

C. *Extra-Parochial Places.*

Furnival's Inn.
Gray's Inn.
Inner Temple.
Lincoln's Inn.
Middle Temple.

Staple Inn.
The Charter House.
The Close of the Collegiate Church of St. Peter (Westminster Abbey).

The following is a list of the Metropolitan Sanitary and Nuisance Authorities, with the name and address of the Clerk to the Vestry or District in each case :—

Vestries, &c.	Name and Address of Clerk.
Battersea	C. J. Byworth, Vestry Offices, Battersea Rise, S.W.
Bermondsey	J. Harrison, Spa Rd., Bermondsey, S.E.
Bethnal Green, St. Matthew.	Robert Voss, Vestry Hall, Church Row, Bethnal Green, N.E.
Camberwell	C. W. Tagg, Vestry Hall, Camberwell, S.E.
Chelsea	T. Holland, Vestry Hall, King's Rd., Chelsea, S.W.
City of London	H. Blake, City Sewers Office, Guildhall, E.C.
Clerkenwell, St. James and St. John	Robert Paget, Vestry Hall, 58, Rosoman St., E.C.
Fulham	W. H. Denselow, Town Hall, Waiham Green, S.W.
Greenwich District . . .	J. Spencer, 141, Greenwich Rd., S.E.
Hackney[1]	Richard Ellis, Town Hall, Hackney, N.E.
Hammersmith	W. P. Cockburn, Vestry Hall, Broadway, Hammersmith, S.W.
Hanover Square, St. George .	J. H. Smith, Mount St., Grosvenor Sq., W.
Islington, St. Mary	W. F. Dewey, Vestry Hall, Upper St., Islington, N.
Kensington, St. Mary Abbott	W. C. Leete, Town Hall, Kensington, W.
Lambeth	H. J. Smith, Vestry Hall, Kennington Green, S.E.
Lee District	Geo. Whale, Board Offices, Old Charlton, S.E.
Lewisham District	E. Wright, Rushey Green, Catford, S.E.

[1] The Hackney and Plumstead Districts have been dissolved by 56 & 57 Vict., c. 55.

Limehouse District	S. G. Ratcliff, White Horse St., Commercial Rd., E.
Mile End Old Town, Hamlet of	M. Justum, Vestry Hall, Bancroft Rd., Mile End Rd., E.
Newington, St. Mary . . .	L. J. Dunham, Vestry Hall, Walworth, S.E.
Paddington	Frank Dethridge, Vestry Hall, Paddington Green, W.
Plumstead[1]	Colonel Hughes, Maxey Rd., Plumstead.
Poplar District	W. H. Farnfield, 117, High St., Poplar, E.
Rotherhithe	J. J. Stokes, Lower Rd., Rotherhithe, S.E.
St. George's-in-the-East . .	H. Thompson, Vestry Hall, Cable St., E.
St. Giles's District	H. C. Jones, 199, Holborn, W.C.
St. John, Hampstead . . .	T. Bridger, Vestry Hall, Haverstock Hill.
St. Luke's, Middlesex . . .	G. W. Preston, Vestry Hall, City Road, E.C.
St. Martin-in-the-Fields . .	G. W. Murnance, Vestry Hall, St. Martin-in-the-Fields, W.C.
St. Mary-le-bone	W. H. Garbutt, Court House, Mary-le-bone, W.
St. Olave District	E. Bayley, 86, Queen Elizabeth St., S.E.
St. Pancras	Thomas E. Gibb, Vestry Hall, Pancras Rd., N.W.
St. Saviour's District . . .	W. H. Atkins, Emerson St., Bankside, S.E.
Shoreditch, St. Leonard . .	H. M. Robinson, Town Hall, Old St., E.C.
Southwark, St. George the Martyr	A. Millar, Vestry Hall, Borough Rd., S.E.
Stoke Newington[1]	G. Webb, Church St., Stoke Newington.
Strand District	H. Andrews, 5, Tavistock St., Strand, W.C.
Wandsworth District . . .	H. G. Hills, Battersea Rise, Wandsworth, S.W.
Westminster, St. James . .	H. Wilkins, Vestry Hall, Piccadilly, W.

[1] Severed from Hackney by 56 & 57 Vict., c. 55.

Westminster, St. John and St. Margaret	J. E. Smith, Town Hall, Caxton St., S.W.
Whitechapel District . . .	A. Turner, 15, Great Alie St., Whitechapel, E.
Woolwich	Andrew C. Reed, Town Hall, William St., Woolwich, S.E.

Election of Vestrymen.

The Local Government Act, 1894 (56 and 57 Vict., c. 73), has completely altered the qualification of vestrymen and members of district boards in London, and has also altered the time and mode of election, and has repealed most of the enactments hitherto dealing with this subject. The results of the Act may be thus summarised :—

(1) No election for vestrymen is to be held in 1894 until on or after November 8 (s. 84), and the elections which would in the ordinary course have been held in May last (under s. 7 of 18 & 19 Vict., c. 120) did not take place.

(2) The electors of vestrymen will no longer be the rated parishioners or occupiers, but will be the persons who are on the Parliamentary and Local Government Registers of electors for the parish [ss. 23 (1), 31 (1)], *i.e.*, not only the persons qualified to vote for the County Council (*v. ante*, p. 9), but also persons —such as lodgers—qualified for the parliamentary franchise. A married woman is entitled to be put on the Local Government Register, and to vote as elector for the vestry, provided that she and her husband cannot both be qualified in respect of the same property (s. 43). Unmarried women were always qualified to vote as ratepayers, and are still entitled to vote when on the Local Government Register (*v. supra*, p. 9).

(3) Any person may be elected as a member of the vestry who is qualified as an elector, or who has during the whole of the twelve months preceding the election resided in the district [ss. 23 (2), 31 (1)]; and a woman, whether married or single, is eligible if qualified as above. Hitherto no woman had been elected as member of a vestry, and no question had been raised as to her eligibility; and the chance of dispute is now removed.

(4) The qualification for membership of a district board is also altered [s. 31 (1)], and the result of this change seems to be to make eligible for the board a parochial elector of any parish within the district [s. 23 (2)] and any person who has resided for twelve months in any part of the district. If this be so, vestries of parishes on Schedule B (*v. supra*, p. 115) can elect to the district council persons who are electors of or resident in another parish in the same district.

(5) The election of district boards will be conducted as heretofore [s. 31 (1)]; but all the provisions in the Metropolis Management Acts as to the election of vestrymen are superseded, except, it would seem, those as to the division of parishes into wards, and the election is to be conducted in accordance with rules to be framed by the Local Government Board, but not yet issued. When a poll is necessary, it will no longer be conducted under the Metropolis Management Act, 1855, but under the Local Government Board rules, and it must be kept open from 8 to 8, in accordance with the election hours of Poll Act, 1885 [Local Government Act, 1894, s. 31 (1)].

(6) The incumbent and churchwardens seem still to be entitled *ex officio* to membership of the vestry, inasmuch as they are not elected persons and are unaffected by the change of the law as to electors and eligibility. But none of them will be entitled *ex officio* to take the chair, and vestries are required [s. 31 (2)] at their first meeting to elect a chairman, who becomes *ex officio* a justice for the County of London [ss. 22, 31 (2)], unless a woman or personally disqualified for the office, *e.g.*, by practising as a solicitor within the county.

III.

ACTIONS AGAINST PUBLIC BODIES.

Until 1894, before bringing an action against the London County Council, or any vestry or district board, or their clerk, or any clerk, surveyor, contractor, or officer or person acting under their direction, for anything done, or intended to be done, under their statutory authority, it was necessary to serve a notice of action on the corporation or person proposed to be sued. But by an Act of last Session (the Public Authorities Protection Act, 1893) the provisions requiring this procedure have been repealed, and a new procedure substituted. Since the end of 1893 no notice of action is necessary, except perhaps under special local Acts; but unless before suing sufficient opportunity of making amends has been given to the corporation or person sued, the court may order the plaintiff to pay the defendant's costs. The action must be brought within six months next after the act, neglect, or default complained of; or in the case of a continuing injury or damage, within six months after it ceases. (56 & 57 Vict., c. 61.)

IV.

RIGHTS OF INDIVIDUALS AGAINST LOCAL AUTHORITIES.

There is a most unfortunate omission in the Acts for regulating the management of the metropolis that no remedy is given to

individuals aggrieved by the action or inaction of a local authority which can be speedily and cheaply resorted to. There are various indirect methods which have been referred to in these pages whereby a higher authority, such as the Local Government Board or the County Council, may be induced to put pressure upon the local authority or to do its work, but there is no way in which an actual sufferer from the default of the parish authorities can compel the latter to do the duties which the law enjoins upon them. It is, of course, open to any person to endeavour to obtain a "mandamus" from the Court of Queen's Bench to compel an authority existing under statute to perform its statutory obligations, but such a remedy is neither speedy nor cheap, and is moreover confined to cases where the authority has no discretion given it under the statute.

There is also a general, but not very clearly defined, right on the part of any individual who is damaged by the non-performance or mal-performance of a statutory duty by the power entrusted by law with the duty of performing it. But it must be carefully remembered that, while this may be taken as a general rule or presumption of law, it may be rebutted or put aside by the special terms of the particular statutes. During recent years some progress has been made by the courts in defining when the rule is applicable; but these decisions, for the most part, relate to the duties of local authorities arising out of their position as surveyors of highways, or as supplying water. So far as relates to the provision and maintenance of sewers, very little encouragement can be offered to the individual who is injured by failure to enlarge a sewerage system, even if the failure creates a nuisance; and, as a general rule, very distinct evidence of negligence in the exercise of powers, as distinct from a failure to exercise them at all, must be given to offer any prospect of success. There has been held to be a remedy for injury caused by failure to discharge duties as to scavenging;[1] but it is not by any means clear that this is good law.[2] And inasmuch as a specific penalty is now imposed for this failure, it may be doubted whether the individual can sue for his own special injury.

V.

PENALTIES.

Wherever penalties are made recoverable under any of the Acts mentioned in these pages by summary process

[1] Holborn Guardians *v.* Shoreditch Vestry, 2 Q. B. D., 145.

[2] Atkinson *v.* Gateshead, W. W., L. R., 2 Exchequer Division, 441.

before a magistrate, an important limitation is imposed by law which readers must not overlook.

By section 11 of the Summary Jurisdiction Act of 1848,[1] commonly known as Jervis's Act, it is provided that, "In all cases where no time is already, or shall hereafter be, specially limited for making any such complaint or laying any such information in the Act or Acts of Parliament relating to each particular case (*i.e.*, a complaint upon which a justice or justices of the peace is, or are, or shall be, authorised by law to make an order, and an information for any offence or act punishable upon summary conviction), such complaint shall be made, and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose."

The practical upshot of the section quoted is as follows: That where any person seeks to recover the penalties imposed by the Acts herein quoted for acts of omission or commission, he must be careful to ascertain whether the neglect or omission of which he complains arose, or was committed, within six months previous to the date of his issuing the summons. A failure to observe this rule will lead to the applicant being defeated. In the case of a continuing nuisance, the six months can, however, be reckoned from any day on which the nuisance was still in existence.

VI.

MODEL BYE-LAWS WITH RESPECT TO HOUSES LET IN LODGINGS OR OCCUPIED BY MEMBERS OF MORE THAN ONE FAMILY.

These bye-laws were framed by the Local Government Board under section 90 *of the Public Health Act*, 1875, *which corresponds to section* 94 *of the Public Health* (*London*) *Act of* 1891.

Interpretation of Terms.

1. In these bye-laws, unless the context otherwise requires, the following words and expressions have the meanings hereinafter respectively assigned to them, that is to say—

[1] 11 & 12 Vict., c. 43.

"Lodging-house" means a house, or part of a house, which is let in lodgings or occupied by members of more than one family:

"Landlord," in relation to a house, or part of a house, which is let in lodgings or occupied by members of more than one family, means the person (whatever may be the nature or extent of his interest in the premises) by whom, or on whose behalf, such house, or part of a house, is let in lodgings or for occupation by members of more than one family, or who for the time being receives, or is entitled to receive, the profits arising from such letting:

"Lodger," in relation to a house, or part of a house, which is let in lodgings or occupied by members of more than one family, means a person to whom any room or rooms in such house, or part of a house, may have been let as a lodging or for his use and occupation.

Exempted Houses.

2. In any one of the several cases hereinafter specified, a lodging-house shall be exempt from the operation of these bye-laws, that is to say—

(*a*) Where, for the purposes of any rate for the relief of the poor, the rateable value of the house exceeds , and the rent or charge payable by each lodger, and exclusive of any charge for the use by such lodger of any furniture, shall be such that the amount accruing due in any term shall be at the rate or in the proportion of not less than *per week:*

(*b*) Where, for the purposes of any rate for the relief of the poor, the rateable value of the house exceeds , and the rent or charge payable by each lodger, and inclusive of any charge for the use by such lodger of any furniture, shall be such that the amount accruing due in any term shall be at the rate or in the proportion of not less than *per week:*

For fixing the number of persons who may occupy a house, or part of a house, which is let in lodgings or occupied by members of more than one family:

For the registration of houses so let or occupied:

For the inspection of such houses:

For enforcing the provision of privy accommodation for such houses, and for promoting cleanliness and ventilation in such houses:

For the cleansing and lime-washing at stated times of the premises, and for the paving of the courts and courtyards thereof:

For the giving of notices, and the taking of precautions in case of any infectious disease.

3. The landlord of a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *three hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *one hundred and fifty cubic feet* of free air space for each person of an age not exceeding *ten years*, to occupy, at any one time, as a sleeping apartment, a room which is used exclusively for that purpose.

4. The landlord of a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *four hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *two hundred cubic feet* of free air space for each person of an age not exceeding *ten years*, to occupy, at any one time, as a sleeping apartment, a room which is not used exclusively for that purpose.

5. A lodger in a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *three hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *one hundred and fifty cubic feet* of free air space for each person of an age not exceeding *ten years*, to occupy, at any one time, as a sleeping apartment, a room which is used exclusively for that purpose, and which has been let to such lodger.

6. A lodger in a lodging-house shall not knowingly cause or suffer a greater number of persons than will admit of the provision of *four hundred cubic feet* of free air space for each person of an age exceeding *ten years*, and of *two hundred cubic feet* of free air space for each person of an age not exceeding *ten years*, to occupy, at any one time, as a sleeping apartment, a room which is not used exclusively for that purpose, and which has been let to such lodger.

7. The landlord of a lodging-house within a period of after he shall have been required by a notice in writing, signed by the clerk to the sanitary authority, and duly served upon or delivered to such landlord, to supply the information necessary for the registration of such house by the sanitary authority, shall, personally or by his agent duly authorised in that behalf, attend at the office of the sanitary authority during office hours, and then and there furnish and sign a true statement of the following particulars with respect to such house, that is to say—

(*a.*) The total number of rooms in the house :

(*b.*) The total number of rooms let in lodgings or occupied by members of more than one family :

(*c.*) The manner of use of each room:

(*d.*) The number, age, and sex of the occupants of each room used for sleeping:

(*e.*) The Christian name and surname of the lessee of each room: and

(*f.*) The amount of rent or charge payable by each lessee.

8. In every case where the landlord of a lodging house occupies or resides in any part of the premises, or retains a general possession or control of the premises, such landlord shall, at all times when required by the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, afford any such officer free access to the interior of the premises for the purpose of inspection.

9. In every case where the landlord of a lodging-house does not occupy or reside in any part of the premises or retains a general possession or control of the premises, every lodger who is entitled to have, or to exercise, the control of the outer door of the premises shall, at all times when required by the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, afford any such officer free access to the interior of the premises for the purpose of inspection.

10. Every lodger in a lodging-house shall, at all times when required by the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority, afford any such officer free access for the purpose of inspection to the interior of any room or rooms which may have been let to such lodger.

11. In every case where the medical officer of health, the inspector of nuisances, or the surveyor of the sanitary authority has, for the purpose of inspection, obtained access to the interior of a lodging-house, or to the interior of any room or rooms in such house, a person shall not wilfully obstruct any such officer in the inspection of any part of the premises, or, without reasonable excuse, neglect or refuse, when required by any such officer, to render him such assistance as may be reasonably necessary for the purpose of such inspection.

12. The landlord of a lodging-house shall provide privy accommodation for such house by means of a water-closet or water-closets, an earth-closet or earth-closets, or a privy or privies.

He shall provide such accommodation so that the number of water-closets, earth-closets, or privies in relation to the greatest

number of persons who, subject to the restrictions imposed by any bye-law in that behalf, may, at any one time, occupy rooms in the house as sleeping apartments shall be in the proportion of not less than one water-closet, earth-closet, or privy to every *twelve* persons.

13. In every case where, for the purpose of providing privy accommodation for a lodging-house in pursuance of the requirements of any bye-law in that behalf, the construction of a new water-closet is necessary, and where such construction, so far as regards the several details hereinafter specified, is not already the subject of regulation by any statute or bye-law in force within the district, the landlord shall construct such water-closet in accordance with the following rules:—

(i.) If the water-closet is intended to be within the house, he shall construct such water-closet in such a position that one of its sides, at the least, shall be an external wall:

(ii.) He shall construct in one of the walls of the water-closet, whether the situation of such water-closet is or is not within the house, a window of not less dimensions than *two feet* by *one foot*, exclusive of the frame, and opening directly into the external air:

He shall, in addition to such window, cause the water-closet to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such water-closet, or by an air-shaft, or by some other effectual method or appliance:

(iii.) He shall furnish the water-closet with a separate cistern, or flushing-box, of adequate capacity, which shall be so constructed, fitted, and placed as to admit of the supply of water for use in such water-closet without any direct connection between any service-pipe upon the premises and any part of the apparatus of such water-closet, other than such cistern, or flushing-box:

He shall furnish the water-closet with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom of any solid or liquid filth which may from time to time be deposited therein:

He shall furnish the water-closet with a pan, basin, or other suitable receptacle of non-absorbent material, and of such shape, of such capacity, and of such mode of construction as to receive and contain a sufficient quantity of water, and to allow

all filth which may from time to time be deposited in such pan, basin, or receptacle to fall free of the sides thereof, and directly into the water received and contained in such pan, basin, or receptacle :

He shall not construct or fix under such pan, basin, or receptable any "container" or other similar fitting :

He shall not construct or fix in or in connection with the water-closet apparatus any trap of the kind known as a "D trap."

14. In every case where, for the purpose of providing privy accommodation for a lodging-house in pursuance of the requirements of any bye-law in that behalf, the construction of a new earth-closet is necessary, and where such construction, so far as regards the several details hereinafter specified, is not already the subject of regulation by any statute or bye-law in force within the district, the landlord shall construct such earth-closet in accordance with the following rules :—

(i.) If the earth-closet is intended to be within the house, he shall construct such earth-closet in such a position that one of its sides, at the least, shall be an external wall :

(ii.) He shall construct in one of the walls of the earth-closet, whether the situation of such earth-closet is or is not within the house, a window of not less dimensions than *two feet* by *one foot*, exclusive of the frame, and opening directly into the external air :

He shall, in addition to such window, cause the earth-closet to be provided with adequate means of constant ventilation by at least one air-brick built in an external wall of such earth-closet, or by an air-shaft, or by some other effectual method or appliance :

(iii.) He shall furnish the earth-closet with a reservoir or receptacle of suitable construction and of adequate capacity for dry earth or some other deodorising substance, and he shall construct and fix such reservoir or receptacle in such a manner, and in such a position, as to admit of ready access to such reservoir or receptacle for the purpose of depositing therein necessary supply of dry earth or other deodorising substance :

He shall construct or fix, in connection with such reservoir or receptacle, suitable means or apparatus for the frequent and effectual application of a sufficient quantity of dry earth or other deodorising substance to any filth which may from time to time be deposited in any pan, pit, or other receptacle for filth constructed, fitted, or used in, or in connection with, such earth-closet :

(iv.) If he provides in, or in connection with, the earth-closet

a fixed receptacle for filth, he shall construct or fix such receptacle in such a manner, and in such a position, as to admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorising substance to any filth which may from time to time be deposited in such receptacle, and in such a manner, and in such a position, as to admit of ready access to such receptacle for the purpose of removing the contents thereof. He shall not construct such receptacle of a capacity greater than may be sufficient to contain such filth and dry earth or other deodorising substance as may be deposited therein during a period not exceeding *three months*, or, in any case, of a capacity exceeding *forty cubic feet*. He shall construct such receptacle of such material or materials, and in such a manner, as to prevent any absorption by any part of such receptacle of any filth deposited therein, or any escape, by leakage or otherwise, of any part of the contents of such receptacle. He shall construct or fix such receptacle so that the bottom or floor thereof shall be at least *three inches* above the level of the surface of the ground immediately adjoining the earth-closet, and so that the contents of such receptacle may not at any time be exposed to any rainfall, or to the drainage of any waste water or liquid refuse from any adjoining premises:

(v.) If he provides in, or in connection with, the earth-closet a movable receptacle for filth, he shall construct such earth-closet so that the position and mode of fitting of such receptacle may admit of the frequent and effectual application of a sufficient quantity of dry earth or other deodorising substance to any filth which may from time to time be deposited in such receptacle, and may also admit of ready access to that part of the earth-closet in which such receptacle may be placed or fitted, and of the convenient removal of such receptacle or of the contents thereof. He shall also construct such earth-closet so that the contents of such receptacle may not at any time be exposed to any rainfall or to the drainage of any waste water or liquid refuse from any adjoining premises.

15. In every case where, for the purpose of providing privy accommodation for a lodging-house in pursuance of the requirements of any bye-law in that behalf, the construction of a new privy is necessary, and where such construction, so far as regards the several details hereinafter specified, is not already the subject of regulation by any statute or bye-law in force within the district, the landlord shall construct such privy in accordance with the following rules:—

(i.) He shall construct the privy at a distance of *six feet*, at the least, from a dwelling-house or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business:

(ii.) He shall not construct the privy within the distance of *thirty feet* from any well, spring, or stream of water used, or likely to be used, by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution:

(iii.) He shall construct the privy in such a manner, and in such a position, as to afford ready means of access to such privy for the purpose of cleansing such privy and of removing filth therefrom, and in such a manner, and in such a position, as to admit of all filth being removed from such privy, and from the premises to which such privy may belong, without being carried through any dwelling-house or public building or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business:

(iv.) He shall provide the privy with a sufficient opening for ventilation, as near to the top as practicable, and communicating directly with the external air:

He shall cause the floor of the privy to be flagged or paved with hard tiles or other non-absorbent material, and he shall construct such floor so that it shall be in every part thereof at a height of not less than *six inches* above the level of the surface of the ground adjoining such privy, and so that such floor shall have a fall or inclination towards the door of such privy of *half an inch* to the foot:

(v.) If the privy is constructed for use in combination with a fixed receptacle for filth, he shall construct or fix in, or in connection with, the privy suitable means or apparatus for the frequent and effectual application of ashes, dust, or dry refuse to any filth which may from time to time be deposited in such receptacle. He shall construct such receptacle so that the contents thereof may not at any time be exposed to any rainfall or the drainage of any waste water or liquid refuse from any adjoining premises. He shall construct such receptacle of such material or materials and in such a manner as to prevent any absorption by any part of such receptacle of any filth deposited therein, or any escape, by leakage or otherwise, of any part of the contents of such receptacle. He shall construct such receptacle so that the bottom or floor thereof shall be in every part at least *three inches* above the level of the surface of the ground adjoining the privy. He shall not in any case construct such receptacle of a capacity exceeding *eight*

cubic feet. He shall construct the seat of the privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to such receptacle for the purpose of removing the contents thereof, and of cleansing such receptacle, or shall otherwise provide in, or in connection with, the privy adequate means of access to such receptacle for the purpose aforesaid:

(vi.) If the privy is constructed for use in combination with a movable receptacle for filth, he shall construct over the whole area of the space immediately beneath the seat of the privy, a flagged or asphalted floor, at a height of not less than *three inches* above the level of the surface of the ground adjoining the privy; and he shall cause the whole extent of each side of such space between the floor and the seat to be constructed of flagging, slate, or good brickwork, at least *nine inches* thick, and rendered in good cement or asphalted. He shall construct the seat of the privy, the aperture in such seat, and the space beneath such seat, of such dimensions as to admit of a movable receptacle for filth of a capacity not exceeding *two cubic feet* being placed and fitted beneath such seat in such a manner, and in such a position, as may effectually prevent the deposit upon the floor or sides of the space beneath such seat, or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat. He shall construct the seat of the privy so that the whole of such seat, or a sufficient part thereof, may be readily removed or adjusted in such a manner as to afford adequate access to the space beneath such seat for the purpose of cleansing such space, or of removing therefrom or placing and fitting therein the appropriate receptacle for filth:

(vii.) He shall not cause or suffer any part of the space under the seat of the privy, or any part of any receptacle for filth in, or in connection with, the privy to communicate with any drain.

16. In every case where a lodger in a lodging-house is entitled to the exclusive use of any court, courtyard, area, or other open space within the curtilage of the premises, such lodger shall cause such court, courtyard, area, or other open space to be thoroughly cleansed from time to time as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.

17. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any court, courtyard, area, or other open space within the curtilage of the

premises, the landlord shall cause such court, courtyard, area, or other open space to be thoroughly cleansed from time to time as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.

18. The landlord of a lodging-house shall cause every part of the structure of every water-closet belonging to such house to be maintained at all times in good order, and every part of the apparatus of such water-closet, and every drain or means of drainage with which such water-closet may communicate to be maintained at all times in good order and efficient action.

19. The landlord of a lodging-house shall cause every part of the structure of every earth-closet or privy belonging to such house and every receptacle for filth provided or used in or in connection with such earth-closet or privy to be maintained at all times in good order.

He shall cause all such means or apparatus as may be provided or used in, or in connection with, such earth-closet or privy and such receptacle, for the frequent and effectual application of dry earth or of any other deodorising substance to any filth deposited in such receptacle to be maintained at all times in good order.

20. In every case where a lodger in a lodging-house is entitled to the exclusive use of any water-closet, earth-closet, or privy belonging to such house, such lodger shall cause the pan, seat, floor, and walls of such water-closet, and the seat, floor, and walls of such earth-closet or privy to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such pan, seat, floor, and walls in a clean and wholesome condition.

21. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any water-closet, earth-closet, or privy belonging to such house, the landlord shall cause the pan, seat, floor, and walls of such water-closet, and the seat, floor, and walls of such earth-closet, or privy to be thoroughly cleansed from time to time as often as may be necessary for the purpose of keeping such pan, seat, floor, and walls in a clean and wholesome condition.

22. In every case where a lodger in a lodging-house is entitled to the exclusive use of any earth-closet, or privy, belonging to such house, such lodger shall cause every receptacle for filth provided, or used in, or in connection with, such earth-closet or privy to be maintained at all times in a wholesome condition.

He shall cause a sufficient supply of dry earth, or of some

other deodorising substance, to be from time to time provided for use in such earth-closet, privy, or receptacle for filth, and shall cause such dry earth, or other deodorising substance, to be frequently and effectually applied to such filth, or he shall cause such dry earth, or other deodorising substance, as may from time to time be supplied to such house, in pursuance of the statutory provision in that behalf, by the sanitary authority, or by any person with whom they may contract for the purpose, to be frequently and effectually applied to such filth.

23. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any earth-closet, or privy, belonging to such house, the landlord shall cause every receptacle for filth provided, or used in, or in connection with, such earth-closet, or privy, to be maintained at all times in a wholesome condition.

He shall cause a sufficient supply of dry earth, or some other deodorising substance, to be from time to time provided for use in such earth-closet, privy, or receptacle for filth, and shall cause such dry earth or other deodorising substance to be frequently and effectually applied to such filth, or he shall cause such dry earth or other deodorising substance as may from time to time be supplied to such house, in pursuance of the statutory provision in that behalf, by the sanitary authority, or by any person with whom they may contract for the purpose, to be frequently and effectually applied to such filth.

24. The landlord of a lodging-house shall cause every part of the structure of every ash-pit belonging to such house to be maintained at all times in good order.

25. In every case where a lodger in a lodging-house is entitled to the exclusive use of any ash-pit belonging to such house, such lodger shall cause such ash-pit to be kept at all times in a wholesome condition.

26. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any ash-pit belonging to such house, the landlord shall cause such ash-pit to be kept at all times in a wholesome condition.

27. A lodger in a lodging-house, or an occupant of any room therein, shall not throw any filth, or wet refuse, into any ash-pit belonging to such house and constructed and adapted for use only as a receptacle for ashes, dust, and dry refuse.

28. Every lodger in a lodging-house shall cause the floor of every room which has been let to him to be thoroughly swept

once at least in *every day*, and to be thoroughly washed once at least in *every week*.

29. Every lodger in a lodging-house shall cause every window, every fixture or fitting of wood, stone, or metal, and every painted surface in every room which has been let to him to be thoroughly cleansed from time to time as often as may be requisite.

30. Every lodger in a lodging-house shall cause all solid or liquid filth or refuse to be removed, once at least in *every day*, from every room which has been let to him, and shall, once at least in *every day*, cause every vessel, utensil, or other receptacle for such filth or refuse to be thoroughly cleansed.

31. In every case where a lodger in a lodging-house is entitled to the exclusive use of any staircase, landing, or passage in such house, such lodger shall cause every part of such staircase, landing, or passage to be thoroughly cleansed from time to time as often as may be requisite.

32. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any staircase, landing, or passage in such house, the landlord shall cause every part of such staircase, landing, or passage to be thoroughly cleansed from time to time as often as may be requisite.

33. A lodger in a lodging-house shall not cause or suffer any animal to be kept in any room which has been let to such lodger, or elsewhere upon the premises, in such a manner as to render the condition of such room or premises filthy or unwholesome.

34. In every case where a lodger in a lodging-house is entitled to the exclusive use of any cistern or other receptacle for the storage of water supplied to the premises, such lodger shall cause every part of the interior of such cistern or receptacle to be thoroughly cleansed, from time to time, as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.

35. In every case where two or more lodgers in a lodging-house are entitled to the use in common of any cistern or other receptacle for the storage of water supplied to the premises, the landlord shall cause every part of the interior of such cistern or receptacle to be thoroughly cleansed from time to time as often as may be requisite for the purpose of keeping the same in a clean and wholesome condition.

36. The landlord of a lodging-house shall cause all such means of ventilation as may be provided in, or in connection with, any room or passage in such house and in, or in connection with, any water-closet, earth-closet, or privy belonging to such house to be maintained at all times in good order.

37. The landlord of a lodging-house shall, in the first week of the month of in every year, cause every part of the premises to be cleansed.

He shall, at the same time, except in such cases as are hereinafter specified, cause every area, the interior surface of every ceiling and wall of every water-closet, earth-closet, or privy belonging to the premises, and the interior surface of every ceiling, and wall of every room, staircase, and passage in the house to be thoroughly washed with hot lime-wash:

Provided that the foregoing requirement with respect to the lime-washing of the internal surface of the walls of rooms, staircases, and passages shall not apply in any case where the internal surface of any such wall is painted, or where the material of, or with which, such surface is constructed, or covered, is such as to render the lime-washing thereof unsuitable or inexpedient, and where such surface is thoroughly cleansed, and the paint or other covering is renewed, if the renewal thereof be necessary for the purpose of keeping the premises in a cleanly and wholesome condition.

38. The landlord of a lodging-house shall cause every court and courtyard thereof to be properly paved with a hard, durable, and impervious pavement, evenly and closely laid upon a sufficient bed of good concrete, and sloped to a properly-constructed channel leading to a trapped gully grating, which shall be so constructed and placed as effectually to carry off all rain or waste water from such court or courtyard.

He shall cause such pavement, channel, and grating to be kept at all times in good order and in proper repair.

39. Every lodger in a lodging-house shall, except in such cases as are hereinafter specified, cause every window of every room which has been let to him, and which is used as a sleeping apartment, to be opened, and to be kept fully open for *one hour* at least in the forenoon, and for *one hour* at least in the afternoon, of every day:

Provided that such lodger shall not be required, in pursuance of this bye-law, to cause any such window to be opened, or to be kept open, at any time when the state of the weather is such as to render it necessary that the window should be closed, or when any bed in any such room may be occupied by

any person in consequence of sickness or of some other sufficient cause.

40. The landlord of a lodging-house, immediately after he shall have been informed, or shall have ascertained, that any person in such house is ill of an infectious disease, shall give written notice thereof to the medical officer of health of the sanitary authority.

41. In every case where a lodger in a lodging-house has been informed, or has ascertained, or has reasonable grounds for believing, that an occupant of any room which has been let to such lodger is ill of an infectious disease, such lodger shall forthwith give written notice thereof to the landlord and to the medical officer of health of the sanitary authority, and verbal or written notice thereof to every other lodger in such house.

42. In every case where, in pursuance of the statutory provision in that behalf, an order of a justice has been obtained for the removal from a lodging-house to a hospital, or other place for the reception of the sick, of a person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, the landlord of such house, and the lodger to whom any room whereof such person may be an occupant has been let, shall, on being informed of such order, forthwith take all such steps as may be requisite on the part of such landlord and of such lodger, respectively, to secure the safe and prompt removal of such person in compliance with such order, and shall, in and about such removal, adopt all such precautions as, in accordance with any instructions which such landlord and such lodger, respectively, may receive from the medical officer of health of the sanitary authority, may be most suitable for the circumstances of the case.

Penalties.

43. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of , and, in the case of a continuing offence, to a further penalty of for each day after written notice of the offence from the sanitary authority:

Provided, nevertheless, that the justices or court before whom any complaint may be made, or any proceedings may be taken, in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this bye-law.

VI.

BYE-LAWS AS TO PUBLIC HEALTH.

Bye-laws made by the London County Council under the Public Health (London) Act, 1891.

Bye-laws under section 16 (2).

For prescribing the times for the removal or carriage by road or water of any fæcal, or offensive, or noxious, matter or liquid in or through London, and providing that the carriage or vessel used therefor shall be properly constructed and covered so as to prevent the escape of any such matter or liquid, and so as to prevent any nuisance arising therefrom.

As to Fæcal and Offensive Matter.

1. Every person who shall remove, or carry by water, in or through London, any fæcal, or offensive, or noxious, matter or liquid, whether such matter or liquid shall be in course of removal or carriage from within or without, or through London, shall not remove or carry such matter or liquid in or through London, except between the hours of 4 o'clock and 10 o'clock in the forenoon during the months of March, April, May, June, July, August, September, and October, and except between the hours of 6 o'clock in the forenoon and 12 o'clock at noon during the months of November, December, January, and February. Such person shall use a suitable carriage or vessel, properly constructed, and furnished with a sufficient covering, so as to prevent the escape of any such matter or liquid therefrom, and so as so prevent any nuisance arising therefrom.

Provided that this bye-law shall not apply to the carriage of horse-dung manure.

As to the Closing and Filling up of Cesspools and Privies.

2. Any person who shall, by any works, or by any structural alteration of any premises, render the further use of a cesspool

or privy unnecessary, and the owner of any premises on which shall be situated a disused cesspool or privy, or a cesspool or privy which has become unnecessary, shall completely empty such cesspool or privy of all fæcal or offensive matter which it may contain, and shall completely remove so much of the floor, walls, and roof of such privy or cesspool as can safely be removed, and all pipes and drains leading thereto or therefrom, or connected therewith, and any earth or other material contaminated by such fæcal or offensive matter. He shall completely close and fill up the cesspool with good concrete, or with suitable dry clean earth, dry clean brick rubbish, or other dry clean material, and where the walls of such cesspool shall not have been completely removed, he shall cover the surface of the space so filled up with earth, rubbish, or material, with a layer of good concrete, six inches thick.

3. Every person who shall propose to close, or fill up, any cesspool or privy shall, before commencing any works for such purpose, give to the sanitary authority for the district not less than forty-eight hours' notice in writing, exclusive of Sunday, Good Friday, Christmas Day, or any bank-holiday, specifying the hour at which he will commence the closing and filling up of such cesspool or privy, and, during the progress of any such work, shall afford any officer of the sanitary authority free access to the premises for the purpose of inspecting the same.

As to the Removal and Disposal of Refuse.

4. The occupier of any premises who shall remove, or cause to be removed, any refuse produced upon his premises shall not, in the process of removal, deposit such refuse, or cause or allow such refuse to be deposited, upon any footway, pavement, or carriageway.

Provided that this bye-law shall not be deemed to prohibit the occupier of any premises from depositing upon the kerb-stone, or upon the outer edge of the footpath immediately in front of his house, between such hours of the day as the sanitary authority shall fix and notify by public announcement in their district, a proper receptacle containing house refuse, other than night soil or filth, to be removed by the sanitary authority in accordance with any bye-law in that behalf.

5. Every person who shall convey any house, trade, or street refuse across or along any footway, pavement, or carriageway, shall use a suitable receptacle, cart, carriage, or other means of conveyance, properly constructed, so as to prevent the escape of the contents thereof, and, in the case of offensive refuse, so

covered as to prevent any nuisance therefrom, and shall adopt such other precautions as may be necessary to prevent any such refuse from being slopped or spilled, or from falling in the process of removal upon such footway, pavement, or carriageway.

If, in the process of such removal, any such refuse be slopped or spilled, or fall upon such footway, pavement, or carriageway, such person shall forthwith remove such refuse from the place whereon the same may have been slopped or spilled, or may have fallen, and shall immediately thereafter thoroughly sweep, or otherwise thoroughly cleanse, such place.

As to the Daily Removal of House Refuse.

6. Where a sanitary authority arrange for the daily removal of house refuse in their district, or in any part thereof, the occupier of any premises in such district, or part thereof, on which any house refuse may, from time to time, accumulate shall, at such hour of the day as the sanitary authority shall fix and notify, by public announcement in their district, deposit on the kerbstone, or on the outer edge of the footpath, immediately in front of the house, or in a conveniently accessible position on the premises, as the sanitary authority may prescribe, by written notice served upon the occupier, a movable receptacle, in which shall be placed, for purposes of removal by, or on behalf of, the sanitary authority, the house refuse which has accumulated on such premises since the preceding collection by such authority.

The sanitary authority shall collect such refuse, or cause the same to be collected, between such hours of the day as they have fixed and notified by public announcement in their district.

As to Weekly Removal of Refuse.

7. The sanitary authority shall cause to be removed, not less frequently than once in every week, the house refuse produced on all premises within their district.

As to Offensive Refuse.

8. Where, for the purposes of subsequent removal, any cargo, load, or collection of offensive refuse has been temporarily brought to, or deposited in, any place within a sanitary district, the owner (whether a sanitary authority or any other person) or consignee of such cargo, load, or collection of refuse, or any person who may have undertaken to deliver the same, or who is in charge of the same, shall not, without a reasonable

excuse, permit, or allow, or cause, such refuse to remain in such place for a longer period than twenty-four hours.

Provided (*a*) that this bye-law shall not apply in cases where the place of temporary deposit is distant, at least, one hundred yards from any street, and is distant, at least, three hundred yards from any building or premises used wholly or partly for human habitation, or as a school, or as a place of public worship, or of public resort, or public assembly, or from any building or premises in, or on, which any person may be employed in any manufacture, trade, or business, or from any public park, or other open space, dedicated or used for the purposes of recreation, or from any reservoir or stream used for the purposes of domestic water-supply; (*b*) that this bye-law shall not prohibit the deposit, within the prescribed distances, of road-slop, unmixed with stable-manure, for any period not exceeding one week, which may be necessary for the separation of water therefrom.

9. Where a sanitary authority, or some person on their behalf, shall remove any offensive refuse from any street or premises within their district, such sanitary authority, or such person, shall properly destroy by fire, or otherwise dispose of, such refuse, in such manner as to prevent nuisance.

Provided always that this bye-law shall not be deemed to require, or permit, any sanitary authority, or person, to dispose of, or destroy by fire, any night-soil, swine's-dung, or cow-dung.

10. A sanitary authority, or any person on their behalf, who shall remove any offensive refuse from any street or premises within their district, shall not deposit such refuse, otherwise than in the course of removal, at a less distance than three hundred yards from any two or more buildings used wholly, or partly, for human habitation, or from any building used as a school, or as a place of public resort, or public assembly, or in which any person may be employed in any manufacture, trade, or business, or from any public park, or other open space, dedicated, or used, for the purpose of recreation, or from any reservoir or stream used for the purposes of domestic water-supply.

Provided always that this bye-law shall not be deemed to prohibit such deposit of such refuse for a period of twenty-four hours, when such refuse is deposited for the purpose of being destroyed by fire, in accordance with any bye-law in that behalf.

11. For the purposes of the foregoing bye-laws the expression "offensive refuse" means any refuse, whether "house refuse,"

"trade refuse," or "street refuse," in such a condition as to be, or to be liable to become, offensive.

PENALTIES.

12. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to a penalty of five pounds, and, in the case of a continuing offence, to a further penalty of forty shillings for each day after written notice of the offence from the sanitary authority. Provided, nevertheless, that the court before whom any complaint may be made, or any proceedings may be taken in respect of any such offence, may, if the court think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.

The Seal of the London County Council was hereunto affixed on the 22nd day of June, 1893.

L. S.

H. DE LA HOOKE,
Clerk of the Council.

Allowed by the Local Government Board this twenty-eighth day of June, 1893.

L. S.

HENRY H. FOWLER,
President.

HUGH OWEN,
Secretary.

BYE-LAWS MADE BY THE LONDON COUNTY COUNCIL UNDER THE PUBLIC HEALTH (LONDON) ACT, 1891.

Bye-laws under Section 39 (1).

With respect to water-closets, earth-closets, privies, ash-pits, cesspools, and receptacles for dung, and the proper accessories thereof in connection with buildings, whether constructed before or after the passing of this Act.

WATER-CLOSETS AND EARTH-CLOSETS.

1. Every person who shall hereafter construct a water-closet, or earth-closet, in connection with a building, shall construct

such water-closet, or earth-closet, in such a position that, in the case of a water-closet, one of its sides, at the least, shall be external wall, and in the case of an earth-closet, two of its sides, at the least, shall be external walls, which external wall, or walls, shall abut immediately upon the street, or upon a yard, or garden, or open space, of not less than one hundred square feet of superficial area, measured horizontally at a point below the level of the floor of such closet. He shall not construct any such water-closet so that it is approached directly from any room used for the purpose of human habitation, or used for the manufacture, preparation, or storage of food for man, or used as a factory, workshop, or workplace, nor shall he construct any earth-closet so that it can be entered otherwise than from the external air.

He shall construct such water-closet so that, on any side on which it would abut on a room intended for human habitation, or used for the manufacture, preparation, or storage of food for man, or used as a factory, workshop, or workplace, it shall be enclosed by a solid wall, or partition, of brick, or other materials, extending the entire height, from the floor to the ceiling.

He shall provide any such water-closet that is approached from the external air with a floor of hard, smooth, impervious material, having a fall to the door of such water-closet of half an inch to the foot.

He shall provide such water-closet with proper doors and fastenings.

Provided always that this bye-law shall not apply to any water-closet constructed below the surface of the ground, and approached directly from an area, or other open space, available for purposes of ventilation, measuring at least forty superficial feet in extent, and having a distance across of not less than five feet, and not covered in otherwise than by a grating or railing.

2. Every person who shall construct a water-closet in connection with a building, whether the situation of such water-closet be, or be not, within, or partly within, such building, and every person who shall construct an earth-closet in connection with a building, shall construct in one of the walls of such water-closet, or earth-closet, which shall abut upon the public way, yard, garden, or open space, as provided by the preceding bye-law, a window of such dimensions that an area of not less than two square feet, which may be the whole, or part, of such window, shall open directly into the external air.

He shall, in addition to such window, cause such water-closet, or earth-closet, to be provided with adequate means of constant ventilation by, at least, one air-brick built in an external wall

of such water-closet or earth-closet, by an air-shaft, or by some other effectual method or appliance.

Water Supply to Water-Closets.

3. Every person who shall construct a water-closet in connection with a building shall furnish such water-closet with a cistern of adequate capacity for the purpose of flushing, which shall be separate and distinct from any cistern used for drinking purposes, and shall be so constructed, fitted, and placed, as to admit of the supply of water for use in such water-closet, so that there shall not be any direct connection between any service pipe upon the premises and any part of the apparatus of such water-closet other than such flushing cistern.

Provided always that the foregoing requirement shall be deemed to be complied with, in any case where the apparatus of a water-closet is connected for the purpose of flushing with a cistern of adequate capacity, which is used solely for flushing water-closets or urinals.

He shall construct, or fix, the pipe and union connecting such flushing cistern with the pan, basin, or other receptacle, with which such water-closet may be provided, so that such pipe and union shall not in any part have an internal diameter of less than one inch and a quarter.

He shall furnish such water-closet with a suitable apparatus for the effectual application of water to any pan, basin, or other receptacle, with which such apparatus may be connected and used, and for the effectual flushing and cleansing of such pan, basin, or other receptacle, and for the prompt and effectual removal therefrom, and from the trap connected therewith of any solid or liquid filth, which may from time to time be deposited therein.

He shall furnish such water-closet with a pan, basin, or other suitable receptacle, of non-absorbent material, and of such shape, of such capacity, and of such mode of construction, as to receive and contain a sufficient quantity of water, and to allow all filth which may from time to time be deposited in such pan, basin, or receptacle, to fall free of the sides thereof, and directly into the water received and contained in such pan, basin, or receptacle.

He shall not construct, or fix, under such pan, basin, or receptacle, any "container" or other similar fitting.

He shall construct, or fix, immediately beneath, or in connection with, such pan, basin, or other suitable receptacle, an efficient siphon trap, so constructed that it shall at all times maintain a sufficient water seal between such pan, basin, or

other suitable receptacle, and any drain, or soil pipe, in connection therewith. He shall not construct, or fix, in, or in connection with, the water-closet apparatus any D-trap, or other similar trap.

If he shall construct any water-closet, or shall fix, or fit, any trap to any existing water-closet, or in connection with a soil-pipe, which is itself in connection with any other water-closet, he shall cause the trap of every such water-closet to be ventilated into the open air at a point as high as the top of the soil-pipe, or into the soil-pipe at a point above the highest water-closet connected with such soil-pipe, and so that such ventilating pipe shall have in all parts an internal diameter of not less than two inches, and shall be connected with the arm of the soil-pipe at a point not less than three, and not more than twelve inches from the highest part of the trap, and on that side of the water seal which is nearest to the soil-pipe.

Soil-Pipes.

4. Any person who shall provide a soil-pipe in connection with a building to be hereafter erected shall cause such soil-pipe to be situated outside such building, and any person who shall provide, or construct, or refit, a soil-pipe in connection with an existing building, shall, whenever practicable, cause such soil-pipe to be situated outside such building, and in all cases where such soil-pipe shall be situated within any building, shall construct such soil-pipe in drawn lead, or of heavy cast-iron jointed with molten lead, and properly caulked.

He shall construct such soil-pipe so that its weight, in proportion to its length and internal diameter, shall be as follows—

Diameter.	Lead. Weight per 10 feet length. Not less than	Iron. Weight per 6 feet length. Not less than
3½ inches.	65 lbs.	48 lbs.
4 ,,	74 ,,	54 ,,
5 ,,	92 ,,	69 ,,
6 ,,	110 ,,	84 ,,

Every person who shall provide a soil-pipe outside or inside a building shall cause such soil-pipe to have an internal diameter of not less than three and a half inches, and to be continued upwards without diminution of its diameter, and (except where

unavoidable) without any bend or angle being formed in such soil-pipe, to such a height and in such a position as to afford by means of the open end of such soil-pipe a safe outlet for foul air, and so that such open end shall in all cases be above the highest part of the roof of the building to which the soil-pipe is attached, and where practicable, be not less than three feet above any window within twenty feet measured in a straight line from the open end of such soil-pipe.

He shall furnish the open end of such soil-pipe with a wire-guard covering, the openings in the meshes of which shall be equal to not less than the area of the open end of the soil-pipe.

In all such cases where he shall connect a lead trap, or pipe with an iron soil-pipe, or drain, he shall insert between such trap or pipe, and such soil-pipe or drain, a brass thimble, and he shall connect such lead trap or pipe with such thimble by means of a wiped or cast-over joint, and he shall connect such thimble with the iron soil-pipe, or drain, by means of a joint made with molten lead, properly caulked.

In all such cases where he shall connect a stoneware trap, or pipe, with a lead soil pipe, he shall insert between such stoneware trap, or pipe, and such soil-pipe, a brass socket or other similar appliance, and he shall connect such stone trap, or pipe, by inserting it into such socket, making the joint with Portland cement, and he shall connect such socket with the lead soil-pipe, by means of a wiped or over-cast joint.

In all cases where he shall connect a stoneware trap, or pipe, with an iron soil-pipe, or drain, he shall insert such stoneware trap, or pipe, into a socket on such iron soil-pipe, or drain, making the joint with Portland cement.

He shall so construct such soil-pipe that it shall not be directly connected with the waste of any bath, rain-water pipe, or of any sink other than that which is provided for the reception of urine or other excremental filth, and he shall construct such soil-pipe so that there shall not be any trap in such soil-pipe or between the soil-pipe and any drain with which it is connected.

Apparatus of Water-Closets.

5. A person who shall newly fit or fix any apparatus in connection with any existing water-closet shall, as regards such apparatus and its connection with any soil-pipe or drain, comply with such of the requirements of the foregoing bye-laws as would be applicable to the apparatus so fitted or fixed if the water-closet were being newly constructed.

Structure of Earth-Closets.

6. Every person who shall construct an earth-closet in connection with a building shall furnish such earth-closet with a reservoir or receptacle, of suitable construction and of adequate capacity, for dry earth, and he shall construct and fix such reservoir or receptacle in such a manner, and in such a position, as to admit of ready access to such reservoir or receptacle for the purpose of depositing therein the necessary supply of dry earth.

He shall construct or fix in connection with such reservoir or receptacle suitable means or apparatus for the frequent and effectual application of a sufficient quantity of dry earth to any filth which may from time to time be deposited in any receptacle for filth constructed, fitted, or used, in, or in connection with, such earth-closet.

He shall construct such earth-closet so that the contents of such reservoir or receptacle may not at any time be exposed to any rainfall, or to the drainage of any waste water or liquid refuse from any premises.

7. Every person who shall construct an earth-closet in connection with a building shall construct such earth-closet for use in combination with a movable receptacle for filth.

He shall construct such earth-closet so as to admit of a movable receptacle for filth, of a capacity not exceeding two cubic feet, being placed and fitted beneath the seat in such a manner and in such a position as may effectually prevent the deposit upon the floor or sides of the space beneath such seat, or elsewhere than in such receptacle, of any filth which may from time to time fall or be cast through the aperture in such seat.

He shall construct such receptacle for filth in such a manner and in such a position as to admit of the frequent and effectual application of a sufficient quantity of dry earth to any filth which may be from time to time deposited in such receptacle for filth, and in such a manner and in such a position as to admit of ready access for the purpose of removing the contents thereof.

He shall also construct such earth-closet so that the contents of such receptacle for filth may not at any time be exposed to any rainfall, or to the drainage of any waste water or liquid refuse from any premises.

Privies.

8. Every person who shall construct a privy in connection with a building shall construct such privy at a distance of

twenty feet at the least from a dwelling-house, or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

9. A person who shall construct a privy in connection with a building shall not construct such privy within the distance of one hundred feet from any well, spring, or stream of water used, or likely to be used, by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, or otherwise in such a position as to render any such water liable to pollution.

10. Every person who shall construct a privy in connection with a building shall construct such privy in such a manner and in such a position as to afford ready means of access to such privy, for the purpose of cleansing such privy and of removing filth therefrom, and in such a manner and in such a position as to admit of all filth being removed from such privy, and from the premises to which such privy may belong, without being carried through any dwelling-house, or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

11. Every person who shall construct a privy in connection with a building shall provide such privy with a sufficient opening for ventilation as near to the top as practicable, and communicating directly with the external air.

He shall cause the floor of such privy to be flagged or paved with hard tiles or other non-absorbent material, and he shall construct such floor so that it shall be in every part thereof at a height of not less than six inches above the level of the surface of the ground adjoining such privy, and so that such floor shall have a fall or inclination towards the door of such privy of half an inch to the foot.

12. Every person who shall construct a privy in connection with a building shall construct such privy for use in combination with a movable receptacle for filth, and shall construct over the whole area of the space immediately beneath the seat of such privy a floor of flagging or asphalte, or some suitable composite material, at a height of not less than three inches above the level of the surface of the ground adjoining such privy; and he shall cause the whole extent of each side of such space between the floor and the seat, other than any part that may be occupied by any door, or other opening therein, to be constructed of flagging, slate, or good brickwork, at

least nine inches thick, and rendered in good cement or asphalted.

He shall construct the seat of such privy, the aperture in such seat, and the space beneath such seat, of such dimensions as to admit of a movable receptacle for filth of a capacity not exceeding two cubic feet being placed and fitted beneath such seat in such a manner, and in such a position, as may effectually prevent the deposit, upon the floor or sides of the space beneath such seat, or elsewhere than in such receptacle, of any filth which may from time fall or be cast through the aperture in such seat.

He shall construct such privy so that for the purpose of cleansing the space beneath the seat, or of removing therefrom or placing or fitting therein an appropriate receptacle for filth, there shall be a door or other opening in the back or one of the sides thereof capable of being opened from the outside of the privy, or in any case where such a mode of construction may be impracticable, so that for the purposes aforesaid the whole of the seat of the privy or a sufficient part thereof may be readily moved or adjusted.

13. A person who shall construct a privy in connection with a building shall not cause or suffer any part of the space under the seat of such privy, or any part of any receptacle for filth in or in connection with such privy, to communicate with any drain.

Notices.

14. Every person who shall intend to construct any water-closet, earth-closet, or privy, or to fit or fix in, or in connection with, any water-closet, earth-closet, or privy any apparatus or any trap or soil-pipe, shall, before executing any such works, give notice in writing to the clerk of the sanitary authority.

Alteration to Conform to Bye-Laws.

15. Every owner of an earth-closet or privy existing at the date of the confirmation of these bye-laws shall, before the expiration of six months from and after such date of confirmation, cause the same to be reconstructed in such manner that its position, structure, and apparatus shall comply with such of the requirements of the foregoing bye-laws as are applicable to earth-closets or privies newly-constructed.

Ash-Pits.

16. When any person shall provide an ash-pit in connection with a building, he shall cause the same to consist of one or

more movable receptacles sufficient to contain the house refuse which may accumulate during any period not exceeding one week. Each of such receptacles shall be constructed of metal, and shall be provided with one or more suitable handles and cover. The capacity of each of such receptacles shall not exceed two cubic feet.

Provided that the requirement as to the size of each of such receptacles shall not apply to any person who shall construct such receptacle or receptacles in connection with any premises to which there is attached, as part of the conditions of tenancy, the right to dispose of house refuse in an ash-pit used in common by the occupiers of several tenancies, but in no case shall such ash-pit be of greater capacity than is required to enable it to contain the refuse which may accumulate during any period not exceeding one week.

17. The occupier of any premises who shall use any ash-pit shall, if such ash-pit consist of a movable receptacle, cause such receptacle to be kept in a covered place, or to be properly covered, so that it shall not be exposed to rainfall, and, if such ash-pit consist of a fixed receptacle, he shall cause the same to be kept properly covered.

18. Where the sanitary authority have arranged for the daily removal of house refuse in their district, or in any part thereof, the owner of any premises in such district or part thereof shall provide an ash-pit which shall consist of one or more movable receptacles, sufficient to contain the house refuse which may accumulate during any period not exceeding three days, which the sanitary authority may determine, and of which the sanitary authority shall give notice by public announcement in their district. Each of such receptacles shall be constructed of metal, and provided with one or more suitable handles and cover. The capacity of each of such receptacles shall not exceed two cubic feet.

Provided always that this bye-law shall not apply to the owner of any premises until the expiration of three months after the sanitary authority have publicly notified their intention to adopt a system of daily collection of house refuse in that part of their district which comprises such premises.

19. Where any receptacle shall have been provided as an ash-pit for any premises in pursuance of any bye-law in that behalf, no person shall deposit the house-refuse which may accumulate on such premises in any ash-pit that does not comply with the requirements of these bye-laws.

Cesspools.

20. Every person who shall construct a cesspool in connection with a building shall construct such cesspool at a distance of one hundred feet at the least from a dwelling-house, or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

21. A person who shall construct a cesspool in connection with a building shall not construct such cesspool within the distance of one hundred feet from any well, spring, or stream of water.

22. Every person who shall construct a cesspool in connection with a building shall construct such cesspool in such a manner, and in such a position, as to afford ready means of access to such cesspool, for the purpose of cleansing such cesspool, and of removing the contents thereof, and in such a manner and in such a position as to admit of the contents of such cesspool being removed therefrom, and from the premises to which such cesspool may belong, without being carried through any dwelling-house, or public building, or any building in which any person may be, or may be intended to be, employed in any manufacture, trade, or business.

He shall not in any case construct such cesspool so that it shall have, by drain, or otherwise, any means of communication with any sewer, or any overflow outlet.

23. Every person who shall construct a cesspool in connection with a building shall construct such cesspool of good brickwork bedded and grouted in cement, properly rendered inside with cement, and with a backing of at least nine inches of well-puddled clay around and beneath such brickwork, and so that such cesspool shall be perfectly water-tight.

He shall also cause such cesspool to be arched, or otherwise properly covered over, and to be provided with adequate means of ventilation.

Receptacles for Dung.

24. A person shall not use as a receptacle for dung any receptacle so constructed or placed that one of its sides shall be formed by the wall of any room used for human habitation, or under a dwelling-house, factory, workshop, or workplace, and he shall not use any receptacle in such a situation that it would be likely to cause a nuisance, or become injurious or dangerous to health.

25. Every owner of any existing receptacle for dung shall, before the expiration of six months from the date of the

confirmation of these bye-laws, and every person who shall construct a receptacle for dung shall cause such receptacle to be so constructed that its capacity shall not be greater than two cubic yards, and so that the bottom, or floor thereof shall not, in any case, be lower than the surface of the ground adjoining such receptacle.

He shall so construct such receptacle that a sufficient part of one of its sides shall be readily removable for the purpose of facilitating cleansing.

He shall also cause such receptacle to be constructed in such a manner, and of such materials, and to be maintained at all times in such a condition, as to prevent any escape of the contents thereof, or any soakage therefrom into the ground, or into the wall of any building.

He shall cause such receptacle to be so constructed that no rain or water can enter therein, and so that it shall be freely ventilated into the external air.

Provided that a person who shall construct a receptacle for dung, the whole of the contents of which are removed not less frequently than every forty-eight hours, shall not be required to construct such receptacle so that its capacity shall not be greater than two cubic yards.

And provided that a person who shall construct a receptacle for dung, which shall contain only dung of horses, asses, or mules, with stable litter, and the whole of the contents of which are removed not less frequently than every forty-eight hours, may, instead of all other requirements of this bye-law, construct a metal cage, and shall beneath such metal cage adequately pave the ground at a level not lower than the surrounding ground, and in such a manner, and to such an extent, as will prevent any soakage into the ground; and if such cage be placed near to, or against, any building, he shall adequately cement the wall of such building, in such a manner, and to such an extent, as will prevent any soakage from the dung within, or upon, such receptacle into the wall of such building.

Cleansing of Water-Closets, Earth-Closets, Privies, and Receptacles for Dung.

26. The occupier of any premises shall cause every water-closet belonging to such premises to be thoroughly cleansed from time to time, as often as may be necessary, for the purpose of keeping such water-closet in a cleanly condition.

The occupier of any premises shall once, at least, in every week, cause every earth-closet, privy, and receptacle for dung belonging to such premises to be emptied and thoroughly cleansed.

The occupier of any premises shall once, at least, in every three months, cause every cesspool belonging to such premises to be emptied and thoroughly cleansed.

Provided that where two or more lodgers in a lodging-house are entitled to the use in common of any water-closet, earth-closet, privy, cesspool, or receptacle for dung, the landlord shall cause such water-closet, earth-closet, privy, cesspool, or receptacle for dung, to be cleansed and emptied as aforesaid.

The landlord, or owner of any lodging-house, shall provide and maintain in connection with such house, water-closet, earth-closet, or privy accommodation in the proportion of not less than one water-closet, earth-closet, or privy, for every twelve persons.

For the purposes of this bye-law, a "lodging-house" means a house, or part of a house, which is let in lodgings or occupied by members of more than one family. "Landlord," in relation to a house, or part of a house, which is let in lodgings or occupied by members of more than one family, means the person (whatever may be the nature or extent of his interest), by whom, or on whose behalf, such house, or part of a house, is let in lodgings or for occupation by members of more than one family, or who for the time being receives, or is entitled to receive, the profits arising from such letting. "Lodger," in relation to a house, or part of a house, which is let in lodgings or occupied by members of more than one family, means a person to whom any room, or rooms, in such house, or part of a house, may have been let as a lodging, or for his use, or occupation.

Nothing in this bye-law shall extend to any common lodging-house.

Maintenance of Closets, &c.

27. The owner of any premises shall maintain in proper condition of repair every water-closet, earth-closet, privy, ash-pit, cesspool, and receptacle for dung, and the proper accessories thereof, belonging to such to such premises.

Penalties.

28. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence to penalty of five pounds, and, in the case of a continuing offence, to a further penalty of forty shillings for each day after written notice of the offence from the sanitary authority. Provided, nevertheless, that the court before whom any complaint may be made, or any proceedings may be taken, in respect of any

such offence, may, if the court think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this bye-law.

The Seal of the London County Council was hereunto affixed on the 22nd day of June, 1893.

L. S.

H. De la Hooke,
Clerk of the Council.

Allowed by the Local Government Board this 28th day of June, 1893.

L. S.

Henry H. Fowler,
President.

Hugh Owen,
Secretary.

VII.

BYE-LAWS AS TO BUILDINGS AND STREETS.

I.—Bye-Laws made by the London County Council under Section 16 of the Metropolis Management and Building Acts Amendment Act, 1878.

1.—Repeal of Previous Bye-Laws.

The heretofore subsisting bye-laws, made by the Metropolitan Board of Works on the 3rd of October, 1879, and the 22nd of January, 1886, and confirmed by the Secretary of State for the Home Department, on the 6th of October, 1879, and the 23rd of June, 1886, are hereby repealed, and, in lieu thereof, the following are made:—

2.—Foundations and Sites of Buildings.

No house, building, or other erection, shall be erected upon any site, or portion of any site, which shall have been filled up or covered with any material impregnated or mixed with any fæcal, animal, or vegetable matter, or which shall have been filled up or covered with dust, or slop, or other refuse, or in or upon which any such matter or refuse shall

have been deposited, unless and until such matter or refuse shall have been properly removed, by excavation or otherwise, from such site. Any holes caused by such excavation must, if not used for a basement or cellar, be filled in with hard brick or dry rubbish, or concrete, or other suitable material, to be approved by the district surveyor.

The site of every house or building shall be covered with a layer of good concrete, at least six inches thick, and smoothed on the upper surface.

The foundations of the walls of every house or building shall be formed of a bed of good concrete, not less than nine inches thick, and projecting at least four inches on each side of the lowest course of footings of such walls. If the site be upon a natural bed of gravel, concrete may be omitted from the foundations of the walls, with the approval of the district surveyor.

The concrete must be composed of clean gravel, broken hard brick, properly burnt ballast, or other hard material, to be approved by the district surveyor, well mixed with freshly-burned lime or cement, in the proportions of one of lime to six, and one of cement to eight of the other material.

3.—Description and Quality of the Substances of Walls.

The external walls of every house, building, or other erection shall, except in the case of concrete buildings, be constructed of good, hard, sound, well-burnt bricks, or of stone.

Similar bricks shall be used in the portions of party or cross walls below the surface or level of the ground, and above the roof, including the chimney-stacks. Cutters or malms may be used in arches over recesses and openings in, or for facings of, external walls.

Stone used for the construction of walls must be free from vents, cracks, and sand-holes, and be laid on its natural bed.

All brick and stone work shall be put together with good mortar or good cement.

The mortar to be used must be composed of freshly-burned lime and clean sharp sand or grit, without earthy matter, in the proportions of one of lime to three of sand or grit.

The cement to be used must be Portland cement, or other cement of equal quality, to be approved by the district surveyor, mixed with clean sharp sand or grit, in the proportions of one of cement to four of sand or grit.

Burnt ballast or broken brick may be substituted for sand or grit, provided such material be properly mixed with lime in a mortar-mill.

Every wall of a house or building shall have a damp course,

composed of materials impervious to moisture, to be approved by the district surveyor, extending throughout its whole thickness, at the level of not less than six inches below the level of the lowest floor. Every external wall, or inclosing wall, of habitable rooms, or their appurtenances, or cellars, which abuts against the earth, shall be protected by materials impervious to moisture, to the satisfaction of the district surveyor.

The top of every party-wall and parapet-wall shall be finished with one course of hard, well-burnt bricks set on edge, in cement, or by a coping of any other waterproof and fire-resisting material, properly secured.

Whenever concrete is used in the construction of walls, the concrete shall be composed of Portland cement and of clean Thames or pit ballast, or gravel, or broken brick or stone, or furnace clinkers, with clean sand, in the following proportions, viz., one part of Portland cement, two parts of clean sand, and three parts of the coarse material, which is to be broken up sufficiently small to pass through a two-inch ring.

The proportions of the materials to be strictly observed, and to be ascertained by careful admeasurement; and the mixing, either by machine or hand, to be most carefully done with clean water, and, if mixed by hand, the material to be turned over dry before the water is added.

The walls to be carried up regularly, and in parallel frames of equal height, and the surface of the concrete filled in the frame to be left rough and uneven to form a key for the next frame of concrete.

The thicknesses of concrete walls to be equal, at the least, to the thicknesses for walls to be constructed of brickwork prescribed by the twelfth section of the Metropolitan Building Act, 1855, and the first schedule referred to therein.

Such portions of concrete party-walls and chimney-stacks as are caried above the roofs of buildings to be rendered externally with Portland cement.

4.—Duties of District Surveyors.

It shall be the duty of the district surveyor, on receiving notice of the commencement of any house, building, or other erection, or of any alteration or addition, or on his becoming aware that any house, building, or other erection, or any alteration or addition, is being proceeded with, to see that the provisions of the foregoing bye-laws are duly observed (except in cases where the London County Council may have dispensed with the observance thereof), and to see that the terms and conditions upon which any dispensation may have been granted, are complied with.

5.—Fees to be Paid to District Surveyors.

The district surveyor shall, in respect of the erection of any house, or other building, be entitled to receive the sum of five shillings, the same to be taken and deemed to be a fee due to such district surveyor in respect of the duties imposed upon him by the Metropolis Management and Building Acts Amendment Act, 1878, and these bye-laws; such fees to be payable in the manner and at the time prescribed by section 51 of the Metropolitan Building Act, 1855. The district surveyor shall also, in every case where, in respect of any breach of these bye-laws, or of the above Act of Parliament, an application shall have been made by him to a justice, and an order made thereon, be in like manner entitled to receive the sum of ten shillings, in addition to the before-mentioned fee of five shillings.

There shall be paid to the district surveyor, in respect of his supervision of any building constructed wholly, or in part, with concrete walls, a fee one-half more in amount than the fee to which he would be entitled under the Metropolitan Building Act, 1855, for a new building, or addition. No additional fee is, however, to be charged in respect of any alteration to a concrete building.

6.—Deposit of Plans and Sections.

On notice being given to a district surveyor of the intended erection, re-erection, alteration of, or addition to, a public building, or a building to which section 56 of the Metropolitan Building Act, 1855, applies, it shall be the duty of the person giving such notice to deposit plans and sections of such erection, re-erection, alteration, or addition, with the district surveyor. Such plans and sections shall be of sufficient detail to show the construction.[1]

On notice being given to the district surveyor of the intended erection or alteration of, or addition to, any house, building, or other erection, other than a public building, or one to which section 56 of the Metropolitan Building Act, 1855, applies, the district surveyor may, if he think fit so to do, by notice in writing, require the person giving such notice to produce a plan, or plans, and sections of any such house, building, or other erection, or of the intended alterations or additions thereto, for his inspection.[2]

[1] As to approval of plans, *see* London Council (General Powers) Act, 1890 (53 & 54 Vict., c. ccxliii., section 27).

[2] Notice of intention to build or pull down must also be given to vestry or local board (53 & 54 Vict., c. ccxliii., section 32).

7. Penalties and Dispensation.

In case of any breach of any of the provisions contained in these bye-laws, the offender shall be liable for each breach to a penalty not exceeding five pounds, and in each case of a continuing offence to a further penalty not exceeding forty shillings for each day after notice of such offence from the London County Council, or the district surveyor.

In any case, in which the Council think it expedient, they may dispense with the observance of any of the foregoing bye-laws, or any part thereof, upon such terms and conditions as they may think proper, and, in case of the non-observance of any terms and conditions upon which the Council may have dispensed with the observance of any of the foregoing bye-laws, then such proceedings may be taken, and such liabilities shall be incurred, as if the same had been enacted by such bye-laws.

The Seal of the London County Council was hereunto affixed on the 13th day of October, 1891.

H. De la Hooke,
Clerk of the Council.

Seal of the London County Council.

I hereby confirm the foregoing Bye-laws.

Henry Matthews,
One of Her Majesty's Principal Secretaries of State.

Whitehall,
19*th October*, 1891.

II.—Bye-Laws made by the London County Council under Section 31 of the London Council (General Powers) Act, 1890.

1.—Description and Quality of the Substances of which Plastering is to be Made.

All laths used for plastering shall be sound laths free from sap, but iron or other incombustible laths, wire-netting or other suitable material, to the satisfaction of the district surveyor, may be used.

Plastering, or coarse stuff, shall be composed of lime and sand in the proportion of 1 of lime to 3 of sand, mixed with water and hair, but Portland cement, Keene's cement, Parian

cement, Martin's cement, Selenitic cement, or other approved cement or plaster of Paris, may also be used for plastering.

The lime to be used must be freshly-burned lime.

The sand to be used must be clean, sharp sand, free from loam or earthy matter.

The hair to be used must be good and sound, and free from grease or dirt; 1 lb. of hair to be used to every 3 cubic feet of coarse stuff. Fibrous material, to the satisfaction of the district surveyor, may be used instead of hair, and ground brick or furnace slag, to the satisfaction of the district surveyor, may be used instead of sand.

The setting coat shall be composed of lime or cement mixed with clean washed sand or of cement only.

Clear water only is to be used in mixing the material.

The Portland cement to be used must weigh not less than 90 lbs. to the imperial bushel.

Fibrous slab or other slab plastering of sufficient thickness, and securely fixed, may be used on ceilings, partitions, and walls, to the satisfaction of the district surveyor.

2.—As to the Mode in which, and the Materials with which, any Excavation outside the Site of a Building is to be Filled Up.

Any excavation made within a line drawn outside the site of a house, building, or other erection, and at an uniform distance therefrom of 3 feet, shall not be filled up otherwise than with the natural soil, or with brick or dry rubbish, or other suitable material, to be approved by the district surveyor, not consisting of, nor impregnated or mixed with, any fæcal, animal, or vegetable matter, or with dust or slop, or other refuse, and shall be properly rammed.

3.—Duties of District Surveyors.

It shall be the duty of each district surveyor, on receiving notice of the commencement of any house, building, or other erection, or on his becoming aware that any house, building, or other erection is being proceeded with, or that any excavation is being made within a line drawn outside the site of a house, building, or other erection, and within 3 feet therefrom, to see that the plastering is of the description and quality prescribed by, and that any excavation be filled up with the material and in the manner specified in, the foregoing bye-laws.

4.—Fees to be paid to District Surveyors.

There shall be paid to the district surveyor in respect of his supervision of the plastering of any house, building, or other erection, and in respect of the filling-in of any excavation made outside the site of any house, building, or other erection, and within a distance of 3 feet therefrom, an inclusive fee of five shillings, such fee to be payable in the manner and at the time specified in section 51 of the Metropolitan Building Act, 1855.

5.—Penalties.

In case of any breach of the provisions contained in these bye-laws, the offender shall be liable for each offence to a penalty not exceeding five pounds, and, in each case of a continuing offence, to a further penalty not exceeding forty shillings for each day after notice of such offence from the London County Council or the district surveyor.

The Seal of the London County Council was hereunto affixed on the 13th day of October, 1891.

Seal of the London County Council.

H. De la Hooke,
Clerk of the Council.

I hereby confirm the foregoing Bye-laws.

Henry Matthews,
One of Her Majesty's Principal Secretaries of State.

Whitehall,
19*th October*, 1891.

METROPOLIS LOCAL MANAGEMENT ACTS.

Bye-law as to the formation of new streets in the Metropolis.

Made by the Metropolitan Board of Works, at a meeting of the said Board, held at Guildhall, in the City of London, on the 17th day of March, in the year of our Lord 1857, in and for the limits of the Metropolis, as defined by an Act passed in the nineteenth year of the reign of her present Majesty, "For the better Local Management of the Metropolis," and submitted to, and confirmed at, a subsequent meeting of the

said Board, held at Guildhall aforesaid, in and for the limits aforesaid, on the 3rd day of April, in the year of our Lord 1857; and approved by the Right Honourable Sir George Grey, Baronet, one of Her Majesty's Principal Secretaries of State, pursuant to the said Act; and published this 1st day of May, A.D. 1857.

In pursuance of the powers vested in the Metropolitan Board of Works, by the Act of Parliament passed in the nineteenth year of the reign of her present Majesty, intituled "An Act for the better Local Management of the Metropolis," it is hereby ordered by the said Board as follows, that is to say:

1. Four weeks, at the least, before any new street shall be laid out, written notice shall be given to the Metropolitan Board of Works, at their office, Spring Gardens, in the county of Middlesex, by the person or persons intending to lay out such new street, stating the proposed level and width thereof, and accompanied by a plan of the ground showing the local situation of the same.

2. Forty feet, at the least, shall be the width of every new street intended for carriage traffic; twenty feet, at the least, shall be the width of every new street intended only for foot traffic; provided that the said width, respectively, shall be construed to mean the width of the carriage and footway only, exclusive of any gardens, forecourts, open areas, or other spaces in front of the houses, or buildings, erected, or intended to be erected, in any street.

3. Every new street shall, unless the Metropolitan Board of Works otherwise consent in writing, have at the least two entrances of the full width of such street, and shall be open from the ground upward.

4. The measurement of the width of every new street shall be taken at a right angle to the course thereof, half on either side from the centre,[1] or crown of the roadway, to the external wall or front of the intended houses, or buildings, on each side thereof; but where forecourts, or other spaces, are intended to be left in front of the houses, or buildings, then the width of the street, as already defined, shall be measured from the centre-line up to the fence, railing, or boundary, dividing, or

[1] Under section 30 of the London Council (General Powers) Act, 1890 (53 & 54 Vict., c. ccxliii.), the County Council can define the line constituting the centre of the roadway in the case of streets laid out after August 18th, 1890.

intended to divide, such forecourts, gardens, or spaces, from the public way.[1]

5. The carriageway of every new street must curve or fall from the centre, or crown thereof, at the rate of three-eighths of an inch, at the least, for every foot of breadth.

6. In every new street the kerb to each footpath must not be less than four, nor more than eight, inches above the channel of the roadway, except in the case of crossings, paved or formed, for the use of foot-passengers; and the slope of every footpath towards the kerb must be half an inch to every foot of width, if the footpath be unpaved, or not less than quarter of an inch to every foot of width, if the footpath be paved.

7. In this bye-law the word "street" shall be interpreted to apply to, and include any, highway (except the carriageway of any turnpike road), and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, or passage, whether a thoroughfare or not; and a part of, and such highway, road, bridge, lane, footway, square, court, alley, or passage.

8. In case of any breach of the regulations contained in this bye-law, the offender shall be liable for each offence to a penalty of forty shillings; and in case of a continuing offence to a further penalty of twenty shillings for each day after notice thereof from the Metropolitan Board of Works.

By the fortieth section of the Local Government Act, 1888, the powers of the Metropolitan Board of Works are transferred to the London County Council, and any notice which by the above bye-law is directed to be given to the Board, must henceforth be given to the Council, and any consent which might have been given by the Board may be given by the Council, and any notice which might have been given under the said bye-law by the Board to an offender, may be given by the Council.

By the thirty-fifth section of the London Council (Genera Powers) Act, 1890 (53 & 54 Vict., c. ccxliii.), a road may not without the consent of the Council be used as a public carriageway unless it communicates at both ends directly with a public carriageway.

[1] New buildings may not be erected within a certain distance of the centre-line of any public carriageway.—London Council (General Powers) Act, 1890 (53 & 54 Vict., c. ccxliii., section 34).

VIII.

REGULATIONS AS TO WATER-FITTINGS.

Regulations made under sections 17–22 *of* The Metropolis Water Act, 1871, *and confirmed by the Board of Trade on* 10*th August*, 1872.

Place of Communication-Pipe.

1. No "communication-pipe" for the conveyance of water from the waterworks of the company into any premises shall hereafter be laid until after the point or place at which such "communication-pipe" is proposed to be brought into such premises shall have the approval of the company.

Weight of Lead Pipes.

2. No lead pipe shall hereafter be laid or fixed in, or about, any premises for the conveyance of, or in connection with, the water supplied by the company (except when, and as otherwise authorised by these regulations, or by the company), unless the same shall be of equal thickness throughout, and of, at least, the weight following, that is to say:—

Internal Diameter of Pipe in Inches.	Weight of Pipe in lbs. per Lineal Yard.
$\frac{3}{5}$-inch diameter.	5 lbs. per lineal yard.
$\frac{1}{2}$,, ,,	6 ,, ,,
$\frac{5}{8}$,, ,,	$7\frac{1}{2}$,, ,,
$\frac{3}{4}$,, ,,	9 ,, ,,
1 ,, ,,	12 ,, ,,
$1\frac{1}{4}$,, ,,	16 ,, ,,

Interior Pipes.

3. Every pipe hereafter laid or fixed in the interior of any dwelling-house for the conveyance of, or in connection with, the water of the company, must, unless with the consent of the company, if in contact with the ground, be of lead, but may otherwise be of lead, copper, or wrought-iron, at the option of the consumer.

NOT MORE THAN ONE COMMUNICATION-PIPE TO EACH HOUSE.

4. No house shall, unless with the permission of the company, in writing, be hereafter fitted with more than one "communication-pipe."

EVERY HOUSE, WITH CERTAIN EXCEPTIONS, TO HAVE ITS OWN COMMUNICATION-PIPE.

5. Every house supplied with water by the company (except in cases of stand-pipes) shall have its own separate "communication-pipe." Provided that, as far as is consistent with the special acts of the company, in the case of a group or block of houses, the water-rates of which are paid by one owner, the said owner may, at his option, have one sufficient "communication-pipe" for each group or block.

NO HOUSE TO HAVE CONNECTION WITH FITTINGS OF ADJOINING HOUSE.

6. No house supplied with water by the company shall have any connection with the pipes or other fittings of any other premises, except in the case of groups or blocks of houses referred to in the preceding regulation.

CONNECTION TO BE BY FERRULE OR STOP-COCK.

7. The connection of every "communication-pipe" with any pipe of the company shall hereafter be made by means of a sound and suitable brass screwed ferrule, or stop-cock, with union, and such ferrule, or stop-cock, shall be so made as to have a clear area of waterway equal to that of a half-inch pipe. The connection of every "communication-pipe" with the pipes of the company shall be made by the company's workmen, and the company shall be paid in advance the reasonable costs and charges of, and incident to, the making of such connection.

MATERIAL AND JOINTS OF EXTERNAL PIPES.

8. Every "communication-pipe," and every pipe external to the house, and through the external walls thereof, hereafter respectively laid or fixed, in connection with the water of the company, shall be of lead, and every joint thereof shall be of the kind called a "plumbing," or "wiped," joint.

NO PIPE TO BE LAID THROUGH DRAINS, &C.

9. No pipe shall be used for the conveyance of, or n connection with, water supplied by the company, which is laid or

fixed through, in, or into any drain, ash-pit, sink, or manure-hole, or through, in, or into any place where the water conveyed through such pipe may be liable to become fouled, except where such drain, ash-pit, sink, or manure-hole, or such other place, shall be in the unavoidable course of such pipe, and then in every such case such pipe shall be passed through an exterior cast-iron pipe, or jacket, of sufficient length and strength, and of such construction as to afford due protection to the water-pipe.

Depth of Pipes under Ground.

10. Every pipe hereafter laid for the conveyance of, or in connection with, water supplied by the company, shall, when laid in open ground, be laid, at least, two feet six inches below the surface, and shall, in every exposed situation, be properly protected against the effects of frost.

No Connection with Rain-Water Receptacle.

11. No pipe for the conveyance of, or in connection with, water supplied by the company, shall communicate with any cistern, butt, or other receptacle used, or intended to be used, for rain-water.

Stop-Valve.

12. Every "communication-pipe" for the conveyance of water to be supplied by the company into any premises shall have at, or near, its point of entrance into such premises, and, if desired by the consumer, within such premises, a sound and suitable stop-valve of the screw-down kind, with an area of waterway not less than that of a half-inch pipe, and not greater than that of the "communication-pipe," the size of the valve within these limits being at the option of the consumer.

If placed in the ground, such "stop-valve" shall be protected by a proper cover and "guard-box."

Character of Cisterns and Ball-Taps.

13. Every cistern used in connection with the water supplied by the company shall be made, and at all times maintained, water-tight, and be properly covered and placed in such a position that it may be inspected and cleansed. Every such existing cistern, if not already provided with an efficient "ball-tap," and every such future cistern shall be provided with a sound and suitable "ball-tap" of the valve kind for the inlet of water.

Waste-Pipes to be removed or converted into Warning-Pipes.

14. No overflow or waste-pipe, other than a "warning-pipe," shall be attached to any cistern supplied with water by the company, and every such overflow or waste-pipe existing at the time when these regulations come into operation shall be removed, or, at the option of the consumer, shall be converted into an efficient "warning-pipe," within two calendar months next after the company shall have given to the occupier of, or left at the premises in which such cistern is situate, a notice in writing requiring such alteration to be made.

Arrangement of Warning-Pipes.

15. Every "warning-pipe shall be placed in such a situation as will admit of the discharge of the water from such "warning-pipe" being readily ascertained by the officers of the company. And the position of such "warning-pipe" shall not be changed without previous notice to, and approval by, the company.

Buried Cisterns Prohibited.

16. No cistern buried or excavated in the ground shall be used for the storage or reception of water supplied by the company, unless the use of such cistern shall be allowed in writing by the company.

Butts Prohibited.

17. No wooden receptacle without a proper metallic lining shall be hereafter brought into use for the storage of any water supplied by the company.

Ordinary Draw-Tap.

18. No draw-tap shall in future be fixed, unless the same shall be sound and suitable, and of the "screw-down" kind.

Draw-Taps in Connection with Stand-Pipes.

19. Every draw-tap in connection with any "stand-pipe," or other apparatus, outside any dwelling-house, in a court, or other public place, to supply any group or number of such dwelling-houses, shall be sound and suitable, and of the "waste-preventer" kind, and be protected, as far as possible, from injury by frost, theft, or mischief.

Boilers, Water-Closets, and Urinals to have Cisterns.

20. Every boiler, urinal, and water-closet, in which water supplied by the company is used (other than water-closets in which hand-flushing is employed), shall, within three months after these regulations come into operation, be served only through a cistern or service-box, and without a stool-cock, and there shall be no direct communication from the pipes of the company to any boiler, urinal, or water-closet.

Water-Closet Apparatus.

21. Every water-closet cistern, or water-closet service-box, hereafter fitted, or fixed, in which water supplied by the company is to be used, shall have an efficient waste-preventing apparatus, so constructed as not to be capable of discharging more than two gallons of water at each flush.

Urinal-Cistern Apparatus.

22. Every urinal-cistern in which water supplied by the company is used other than public urinal-cisterns, or cisterns having attached to them a self-closing apparatus, shall have an efficient "waste-preventing" apparatus, so constructed as not to be capable of discharging more than one gallon of water at each flush.

Water-Closet Down-Pipes.

23. Every "down-pipe" hereafter fixed for the discharge of water into the pan or basin of any water-closet, shall have an internal diameter of not less than one inch and a quarter, and, if of lead, shall weigh not less than nine pounds to every lineal yard.

Pipes Supplying Water-Closet to communicate with Cistern Only.

24. No pipe by which water is supplied by the company to any water-closet shall communicate with any part of such water-closet, or with any apparatus connected therewith, except the service-cistern thereof.

Bath to be without Overflow Pipe.

25. No bath supplied with water by the company shall have any overflow waste-pipe, except it be so arranged as to act as a "warning-pipe."

Bath Apparatus.

26. In every bath hereafter fitted, or fixed, the outlet shall be distinct from, and unconnected with, the inlet or inlets; and the inlet, or inlets, must be placed so that the orifice, or orifices, shall be above the highest water level of the bath. The outlet of every such bath shall be provided with a perfectly water-tight plug, valve, or cock.

Alteration of Fittings.

27. No alteration shall be made in any fittings in connection with the supply of water by the company without two days' previous notice in writing to the company.

Waterway of Fittings.

28. Except with the written consent of the consumer, no cock, ferrule, joint, union, valve, or other fitting, in the course of any "communication-pipe," shall have a waterway of less area than that of the "communication-pipe," so that the waterway from the water in the district-pipe or other supply-pipe of the company up to and through the stop-valve prescribed by Regulation No. 12, shall not in any part be of less area than that of the "communication-pipe" itself, which pipe shall not be of less than a half-inch bore in all its course.

Weight of Lead Pipes having Open Ends.

29. All lead "warning-pipes" and other lead pipes of which the ends are open, so that such pipes cannot remain charged with water, may be of the following minimum weights, that is to say:—

½-inch	(internal diameter)	... 3 lbs.	per yard.
¾ „	do.	... 5	„
1 „	do.	... 7	„

Definition of "Communication-Pipe."

30. In these regulations the term "communication-pipe" shall mean the pipe which extends from the district-pipe or other supply-pipe of the company up to the "stop-valve" prescribed in the regulation No. 12.

Penalties.

31. Every person who shall wilfully violate, refuse, or neglect to comply with, or shall wilfully do, or cause to be

done, any act, matter, or thing, in contravention of these regulations, or any part thereof, shall, for every such offence, be liable to a penalty in a sum not exceeding £5.

AUTHORISED OFFICER MAY ACT FOR COMPANY.

32. Where under the foregoing regulations any act is required or authorised to be done by the company, the same may be done on behalf of the company by an authorised officer or servant of the company, and where under such regulations any notice is required to be given by the company the same shall be sufficiently authenticated if it be signed by an authorised officer or servant of the company.

EXISTING FITTINGS.

33. All existing fittings, which shall be sound and efficient, and are not required to be removed or altered under these regulations, shall be deemed to be prescribed fittings under the "Metropolis Water Act, 1871."

No.

THE PUBLIC HEALTH (LONDON) ACT, 1891.

INFECTIOUS DISEASE NOTIFICATION.

CERTIFICATE OF MEDICAL PRACTITIONER.

To the Medical Officer of Health.

I hereby certify that in my opinion the person hereinafter named is suffering from an Infectious Disease to which Section 55 of the Public Health (London) Act, 1891, applies (*see* Note); and I further certify the following particulars required under the said Section to be given in respect of such person:—

Name (in full) of the Patient ... ...
Age of Patient ... ...
Sex ... ...
Full Postal Address of House † of which Patient is an Inmate ... .
If the Patient is an Inmate of a Hospital—
(*a*) Place from which the Patient was brought to the Hospital ... .
(*b*) Date at which Patient was so brought ... ...
Infectious Disease from which the Patient is suffering ... ...
Whether the case has occurred—
(*a*) In the private practice of the Practitioner certifying ... .
or,
(*b*) In his practice as Medical Officer of a Public Body or Institution; and, if so, of what Body or Institution ... } .....
(*c*) (Optional) If the Patient be a Child, please state the School he or she attended * ... ... } .....

Dated the ———— day of ———— 189 . (*Signed*) ———— *Medical Practitioner.*

Address of person signing ————

Note.—This Certificate must (under a penalty not exceeding forty shillings) be sent to the Medical Officer of Health at his office or residence forthwith on the Medical Practitioner attending on or called in to visit the patient becoming aware that the patient is suffering from an Infectious Disease to which the Section applies; namely, any of the following diseases:—Smallpox, Cholera, Diphtheria, Membranous Croup, Erysipelas, the disease known as Scarlatina or Scarlet Fever, and the Fevers known by any of the following names:—Typhus, Typhoid, Enteric, Relapsing, Continued or Puerperal, and also any other Infectious Disease to which Section 55 of the Public Health (London) Act, 1891, has been applied in the district.

Where the Certificate refers to the inmate of a hospital, it must be sent to the Medical Officer of Health of the district in which is situate the place from which the inmate was brought to the hospital.

† In the case of a ship, boat, tent, van, shed, or similar structure used for human habitation, the name or description of the dwelling, and the name of the place where it is situate, should be given.

* [Note by Editor.—It would be desirable to add to this Certificate, where the case requires it, the following words:—

The patient has been attending the School ———— . I am informed that children from the same house are attending the School ————

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